



# Journal of the Senate

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Thursday, May 4, 2000

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## CALL TO ORDER

The Senate was called to order by President Jennings at 9:30 a.m. A quorum present—37:

Madam President	Diaz-Balart	Kirkpatrick	Saunders
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Latvala	Sebesta
Burt	Geller	Laurent	Silver
Campbell	Grant	Lee	Sullivan
Carlton	Hargrett	McKay	Thomas
Casas	Holzendorf	MEEK	Webster
Childers	Horne	Mitchell	
Cowin	Jones	Myers	
Dawson	King	Rossin	

Excused: Senator Clary; Conferees periodically for the purpose of working on CS for HB 1721: Senators Burt, Horne and Rossin

## PRAYER

The following prayer was offered by the Rev. Donald L. Roberts, President/CEO, Goodwill Industries Manasota, Inc., Sarasota:

Holy and Eternal God, it must be great to be God, to get what you want—when you want it—how you want it. We mere mortals are not that lucky. We are always having to compromise to get what we want. We call the process “politics”.

You see, O Lord, we find Senator Jennings’ priority number one is Senator McKay’s priority number five and Governor Bush’s priority number ten; and Senator Carlton doesn’t even know it’s on the agenda while Secretary of State Kathryn Harris is busy closing down shop.

In the midst of all this “politicking” during Session, we know we are supposed to “Be still and know” your will for our lives and all the people of the State of Florida—with every lobbyist in the world bugging us to death.

So, God, while we acknowledge you never said discipleship would be easy, we do call upon you to come and be in these Senate Chambers today.

Thank you, Lord, the Session is almost over, the budget deal is cut, education got some more money, we cut a few taxes and in the end, most everyone in this chamber didn’t get everything they wanted. And that’s the good news.

That’s politics, Lord, and unless you want to move over and give us the job of being God, which some of us think is our birthright, we will have to muddle along being satisfied with being the best politicians you can create. It’s the fun part of being human.

In the name of the God of all things, even politics and politicians and in rare instances a lobbyist or two, Amen.

## PLEDGE

Senate Pages Amanda May and Mitchell Wallberg of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

## ADOPTION OF RESOLUTIONS

At the request of Senator Clary—

By Senator Clary—

**SR 2702**—A resolution recognizing April 7, 2000, as “Building Safety Day.”

WHEREAS, the construction of safe homes and buildings is essential to the health, safety, and welfare of the residents of the State of Florida, and

WHEREAS, the State of Florida is geographically vulnerable to hurricanes, tornadoes, freshwater flooding, and other natural disasters that, in the past, have caused extensive loss of life and property and severe disruption to essential human services, and

WHEREAS, the construction of safe homes and buildings and the enforcement of a unified building code can reduce the loss of life and property that is associated with hurricanes, tornadoes, and other high-wind events, and

WHEREAS, both the legislative and executive branches of Florida government recognize the importance of a unified building code that will lead to the construction of safe, energy-efficient, and accessible homes and buildings for all Floridians, and

WHEREAS, in order for safe construction and building codes to be effective and enforced, understanding and cooperation must exist between the Florida Building Commission and local building code officials and the people they serve, and

WHEREAS, through the efforts of code officials within the State of Florida and their continued cooperative relationship with the construction industry, the administration of health and lifesafety standards is assured, NOW, THEREFORE,

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

That the Florida Senate recognizes April 7, 2000, as “Building Safety Day.”

—**SR 2702** was introduced, read and adopted by publication.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **SB 2404** was withdrawn from the Committee on Natural Resources.

REPORTS OF COMMITTEES

GUBERNATORIAL APPOINTMENTS

The Honorable Toni Jennings President, The Florida Senate May 2, 2000

Dear President Jennings:

The following executive appointment was referred to the Senate Committee on Transportation and the Senate Committee on Gubernatorial Appointments and Confirmations for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment

For Term Ending

Secretary of Transportation Appointee: Barry, Thomas F., Jr. Pleasure of Governor

As required by Rule 12.7(a), this committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. The Committee on Transportation held a public hearing on January 19, 2000, at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

Based upon the report of the Committee on Transportation and based upon this committee's inquiry into the qualifications, experience and general suitability of the above-named appointee, the appointment of Thomas F. Barry, Jr. is forwarded for confirmation by the Senate.

Respectfully submitted, William G. "Doc" Myers, Chairman

The Honorable Toni Jennings President, The Florida Senate May 2, 2000

Dear President Jennings:

The following executive appointment was referred to the Senate Committee on Gubernatorial Appointments and Confirmations for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment

For Term Ending

Secretary of the Department of the Lottery Appointee: Griffin, David Pleasure of Governor

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry, the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience and general suitability of the appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearing, the Committee on Gubernatorial Appointments and Confirmations respectfully advises and recommends that:

- 1) the executive appointment of the above-named appointee, to the office and for the term indicated, be confirmed by the Senate;
2) Senate action on said appointment be taken prior to the adjournment of the 2000 Regular Session; and
3) there is no necessity known to the committee for the deliberations on said appointment to be held in executive session.

Respectfully submitted, William G. "Doc" Myers, Chairman

The Honorable Toni Jennings President, The Florida Senate May 4, 2000

Dear President Jennings:

The following executive appointments were referred to the Senate Committee on Natural Resources and the Senate Committee on Gubernatorial Appointments and Confirmations for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment

For Term Ending

Executive Director, Northwest Florida Water Management District Appointee: Barr, Douglas E. Pleasure of Governing Board

Executive Director, St. Johns River Water Management District Appointee: Dean, Henry Pleasure of Governing Board

Executive Director, South Florida Water Management District Appointee: Finch, Frank R. Pleasure of Governing Board

Executive Director, Southwest Florida Water Management District Appointee: Vergaro, Emilio De Pleasure of Governing Board

Executive Director, Suwannee River Water Management District Appointee: Scarborough, Jerry A. Pleasure of Governing Board

As required by Rule 12.7(a), this committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. The Committee on Natural Resources held public hearings at which members of the public were invited to attend and offer evidence concerning the qualifications, experience and general suitability of each appointee.

Based upon the report of the Committee on Natural Resources and based upon this committee's inquiry into the qualifications, experience and general suitability of the above-named appointees, these appointments are forwarded for confirmation by the Senate.

Respectfully submitted, William G. "Doc" Myers, Chairman

On motions by Senator Myers, the reports were adopted and the Senate confirmed the appointments identified in the foregoing reports of the committee to the offices and for the terms indicated in accordance with the recommendations of the committee. The vote was:

Yeas—37

Table with 4 columns: Name, Diaz-Balart, Kirkpatrick, Saunders. Lists names of senators and their votes.

Nays—None

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2050, with amendment(s), and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 2050**—A bill to be entitled An act relating to workforce innovation; creating s. 445.001, F.S.; designating chapter 445, F.S., as the “Workforce Innovation Act of 2000”; creating s. 445.002, F.S.; providing definitions; transferring, renumbering, and amending s. 288.9956, F.S.; revising provisions implementing the federal Workforce Investment Act of 1998 to conform to changes made by the act; revising the investment act principles; revising funding requirements; deleting obsolete provisions; transferring, renumbering, and amending s. 288.9952, F.S.; redesignating the Workforce Development Board as “Workforce Florida, Inc.”; providing for Workforce Florida, Inc., to function as a not-for-profit corporation and be the principal workforce policy organization for the state; providing for a board of directors; providing for the appointment of a president of Workforce Florida, Inc.; providing duties of the board of directors; specifying programs to be under the oversight of Workforce Florida, Inc.; requiring reports and measures of outcomes; providing for Workforce Florida, Inc., to develop the state’s workforce-development strategy; authorizing the granting of charters to regional workforce boards; creating s. 445.005, F.S.; requiring the chairperson of Workforce Florida, Inc., to establish the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council; providing for council members; providing for the councils to advise the board of directors of Workforce Florida, Inc., and make recommendations for implementing workforce strategies; creating s. 445.006, F.S.; requiring Workforce Florida, Inc., to develop a strategic plan for workforce development; requiring updates of the plan; requiring a marketing plan as part of the strategic plan; providing for performance measures and contract guidelines; requiring that the plan include a teen pregnancy prevention component; transferring, renumbering, and amending s. 288.9953, F.S.; redesignating the regional workforce development boards as the “regional workforce boards”; providing requirements for contracts with an organization or individual represented on the board; transferring duties for overseeing the regional workforce boards to Workforce Florida, Inc.; requiring the workforce boards to establish certain committees; specifying that regional workforce boards and their entities are not state agencies; providing for procurement procedures; creating s. 445.008, F.S.; authorizing Workforce Florida, Inc., to create the Workforce Training Institute; providing for the institute to include Internet-based modules; requiring Workforce Florida, Inc., to adopt policies for operating the institute; authorizing the acceptance of grants and donations; transferring, renumbering, and amending s. 288.9951, F.S.; redesignating one-stop career centers as the “one-stop delivery system”; providing for the system to be the state’s primary strategy for providing workforce-development services; providing a procedure for designating one-stop delivery system operators; authorizing a lease agreement with the Agency for Workforce Innovation for employment services; requiring Workforce Florida, Inc., to review the delivery of employment services and report to the Governor and Legislature; providing legislative intent with respect to the transfer of programs and administrative responsibilities for the state’s workforce-development system; providing for a transition period; requiring that the Governor appoint a representative to coordinate the transition plan; requiring that the Governor submit information and obtain waivers as required by federal law; providing for the transfer of records, balances of appropriations, and other funds; providing for the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to contract with Workforce Florida, Inc., as the state’s principal workforce policy organization; transferring the records, personnel, appropriations, and other funds of the WAGES Program and the Workforce Development Board of Enterprise Florida, Inc., to Workforce Florida, Inc., as created by the act; transferring the employees of the Jobs and Education Partnership to the Agency for Workforce Innovation; transferring the programs and functions of the Division of Workforce and Employment Opportunities and the Office of Labor Market and Performance Information of the Department of Labor and Employment Security to the Agency for Workforce Innovation; providing certain exceptions; transferring certain vacant positions to the Agency for Workforce Innovation for allocation to regional workforce boards; authorizing Workforce Florida, Inc.,

to contract with the Agency for Workforce Innovation for the lease of employees; creating s. 445.010, F.S.; providing principles for developing and managing information technology for the workforce system; requiring the sharing of information between agencies within the workforce system; creating s. 445.011, F.S.; requiring Workforce Florida, Inc., to implement a workforce information system, subject to legislative appropriation; specifying information systems to be included; providing requirements for procurement and validation services; requiring that the system be compatible with the state’s information system; creating s. 445.012, F.S.; establishing the Careers for Florida’s Future Incentive Grant Program; providing for loans to encourage students to obtain degrees or certificates in advanced technology fields; requiring Workforce Florida, Inc., to manage the grant program, under contract with the Department of Education; providing for the allocation of funds; providing for regional workforce boards to determine award recipients; specifying the amount of the grants; providing for the transfer of a grant award; creating s. 445.0121, F.S.; providing eligibility requirements for an initial incentive grant award; creating s. 445.0122, F.S.; providing for renewal of grants; creating s. 445.0123, F.S.; specifying postsecondary education institutions that are eligible to enroll a student who receives an incentive grant; creating s. 445.0124, F.S.; specifying eligible programs; creating s. 445.0125, F.S.; providing a repayment schedule after termination of an incentive grant; creating s. 445.0128, F.S.; authorizing school boards and community college boards of trustees to apply to Workforce Florida, Inc., for workplace education grants; providing requirements for grant applications; providing for a workplace education coordinator; providing program requirements; creating s. 445.013, F.S.; providing for challenge grants in support of welfare-to-work initiatives; requiring Workforce Florida, Inc., to establish the grant program, subject to legislative appropriation; specifying types of organizations that are eligible to receive a grant under the program; providing requirements for matching funds; providing requirements for administering and evaluating the grant program; creating s. 445.014, F.S.; providing for a small business workforce service initiative; requiring Workforce Florida, Inc., to establish a program for support services to small businesses, subject to legislative appropriation; specifying eligible uses of funds under the program; providing program criteria; defining the term “small business” for purposes of the program; creating s. 445.015, F.S.; providing for initiatives to support economic development for working poor families; authorizing Workforce Florida, Inc., to establish economic-development projects for families at risk of welfare dependency, subject to legislative appropriation; providing eligibility requirements; requiring Workforce Florida, Inc., to establish a pilot grant program for youth internships, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring a business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; establishing a specified number of pilot programs for incumbent workers with disabilities; requiring Workforce Florida, Inc., to develop guidelines for the pilot programs; transferring, renumbering, and amending s. 288.9955, F.S., relating to the Untried Worker Placement and Employment Incentive Act; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 414.15, F.S.; providing certain diversion services under the one-stop delivery system; providing for regional workforce boards to determine eligibility for diversion services; deleting certain limitations on diversion payments; creating s. 445.018, F.S.; providing for a diversion program to strengthen families; specifying services that may be offered under the program; providing that such services are not assistance under federal law or guidelines; requiring families that receive services to agree not to apply for temporary cash assistance for a specified period unless an emergency arises; providing requirements for repaying the value of services provided; transferring, renumbering, and amending s. 414.159, F.S., relating to the teen parent and pregnancy prevention diversion program; conforming cross-references to changes made by the act; creating s. 445.020, F.S.; providing for certain criteria for establishing eligibility for diversion programs; transferring, renumbering, and amending s. 414.155, F.S., relating to the relocation assistance program; providing duties of the regional workforce boards; revising eligibility requirements for services under the program; requiring the board of directors of Workforce Florida, Inc., to determine eligibility criteria and relocation plans; transferring, renumbering, and amending s. 414.223, F.S., relating to Retention Incentive Training Accounts; authorizing the board of directors of Workforce Florida, Inc., to establish such accounts; transferring, renumbering, and amending s. 414.18, F.S., relating to a program for dependent care for families with children with special needs; conforming

provisions to changes made by the act; creating s. 445.024, F.S.; specifying the activities that satisfy the work requirements for a participant in the welfare-transition program; providing for regional workforce boards to administer various subsidized employment programs formerly administered by the local WAGES coalitions; including GED preparation and literacy education within the activities that satisfy work requirements under the welfare-transition program; providing requirements for participating in work activities; providing for certain individuals to be exempt from such requirements; requiring regional workforce boards to prioritize work requirements if funds are insufficient; requiring regional workforce boards to contract for work activities, training, and other services; transferring, renumbering, and amending s. 414.20, F.S.; authorizing the regional workforce boards to prioritize or limit certain support services; providing requirements for the boards in providing for counseling and therapy services; transferring, renumbering, and amending s. 414.1525, F.S.; providing for a severance benefit in lieu of cash assistance payments; requiring the regional workforce boards to determine eligibility for such a benefit; creating s. 445.028, F.S.; requiring the Department of Children and Family Services, in cooperation with Workforce Florida, Inc., to provide for certain transitional benefits and services for families leaving the temporary cash assistance program; transferring, renumbering, and amending s. 414.21, F.S., relating to transitional medical benefits; clarifying requirements for notification; transferring, renumbering, and amending s. 414.22, F.S.; authorizing the board of directors of Workforce Florida, Inc., to prioritize transitional education and training; providing for regional workforce boards to authorize child care or other services; transferring, renumbering, and amending s. 414.225, F.S.; providing for transitional transportation services administered by regional workforce boards; expanding the period such services may be available; creating s. 445.032, F.S.; providing for transitional child care services; authorizing regional workforce boards to prioritize such services; transferring, renumbering, and amending s. 414.23, F.S.; providing for the evaluation of programs funded under Temporary Assistance for Needy Families; creating s. 445.034, F.S.; providing requirements for expenditures from the Temporary Assistance for Needy Families block grant; transferring, renumbering, and amending s. 414.44, F.S.; requiring the board of directors of Workforce Florida, Inc., to collect data and make reports; amending s. 414.025, F.S.; revising legislative intent with respect to the programs administered under chapter 414, F.S., to conform to changes made by the act; amending s. 414.0252, F.S.; revising definitions; amending s. 414.045, F.S., relating to the cash assistance program; specifying families that are considered to be work-eligible cases; providing for the regional workforce boards to provide for service delivery for work-eligible cases; amending s. 414.065, F.S.; deleting provisions governing work activities to conform to changes made by the act; amending s. 414.085, F.S.; specifying eligibility standards for the temporary cash assistance program; amending s. 414.095, F.S.; revising requirements for determining eligibility for temporary cash assistance; conforming cross-references to changes made by the act; revising eligibility requirements for noncitizens; amending s. 414.105, F.S.; revising procedures for reviewing exemptions from the requirements for eligibility for temporary cash assistance; deleting certain limitations on the period of such exemptions; providing an extension of certain time limitations with respect to an applicant for supplemental security disability income (SSDI); providing for the regional workforce boards to review the prospects of certain participants for employment; amending s. 414.157, F.S., relating to the diversion program for victims of domestic violence; conforming provisions to changes made by the act; amending s. 414.158, F.S.; providing for a diversion program to prevent or reduce child abuse and neglect; providing for eligibility; amending ss. 414.35, 414.36, F.S., relating to emergency relief and the recovery of overpayments; deleting obsolete provisions; amending ss. 414.39, 414.41, F.S., relating to case screening and the recovery of certain payments; conforming provisions to changes made by the act; amending s. 414.55, F.S.; deleting provisions authorizing a delay in the implementation of certain programs; providing for Workforce Florida, Inc., to implement the community work program; amending s. 414.70, F.S.; revising certain provisions of a drug-testing and drug-screening program to conform to changes made by the act; deleting obsolete provisions; repealing ss. 239.249, 288.9950, 288.9954, 288.9957, 288.9958, 288.9959, 414.015, 414.026, 414.0267, 414.027, 414.028, 414.029, 414.030, 414.055, 414.125, 414.25, 414.38, F.S., relating to funding for vocational and technical education programs, the Workforce Florida Act of 1996, the Workforce Development Board, the WAGES Program State Board of Directors, the WAGES Program, matching grants, local WAGES coalitions, the WAGES Program business registry, WAGES Program Employment Projects, one-stop career

centers, the Learnfare Program, exemptions from requirements for certain leases of real property, and certain pilot programs; conforming provisions to changes made by the act; amending s. 14.2015, F.S.; providing additional duties of the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor with respect to workforce development; requiring that the office cooperate and contract with Workforce Florida, Inc., in performing certain functions; amending s. 20.171, F.S.; revising duties of the Assistant Secretary for Programs and Operations within the Department of Labor and Employment Security; abolishing the Division of Workforce and Employment Opportunities within the department to conform to changes made by the act; creating s. 20.50, F.S.; creating the Agency for Workforce Innovation in the Department of Management Services; specifying duties of the agency; providing for the agency to administer the Office of One-Stop Workforce Services, the Office of Workforce Accountability, and the Office of Workforce Information Services; specifying the federal grants and other funds assigned to the agency for administration; amending s. 212.08, F.S., relating to sales tax exemptions; deleting a requirement that a business register with the WAGES Program Business Registry for purposes of qualifying for certain exemptions; amending s. 212.096, F.S.; redefining the term "new employee" to include participants in the welfare-transition program for purposes of certain tax credits; amending ss. 212.097, 212.098, F.S., relating to job tax credits; providing eligibility for tax credits to certain businesses that hire participants in the welfare-transition program; amending s. 216.136, F.S.; redesignating the Occupational Forecasting Conference as the "Workforce Estimating Conference"; specifying additional duties of the conference with respect to developing forecasts for employment demands and occupational trends; amending s. 220.181, F.S., relating to the enterprise zone jobs credit; providing for businesses that hire participants in the welfare-transition program to be eligible for the credit; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; providing eligibility for children whose parents participate in the welfare-transition program; amending s. 232.17, F.S.; revising requirements for administering the Child Labor Law to conform to changes made by the act; amending s. 234.01, F.S.; providing for school boards to provide transportation services to participants in the welfare-transition program; amending s. 234.211, F.S., relating to the use of school buses; conforming provisions to changes made by the act; amending s. 239.105, F.S.; redefining the term "degree vocational education program" for purposes of ch. 239, F.S.; amending s. 239.115, F.S.; providing for a response fund to be used to provide customized training for businesses; providing for remaining balances to carry over; providing for performance funds to be distributed to certain workforce programs; conforming provisions to changes made by the act; amending s. 239.117, F.S.; providing for school districts or community colleges to pay the fees of students enrolled in a program under the welfare-transition program; amending s. 239.229, F.S.; requiring the Department of Education to update certain vocational, adult, and community education programs; amending s. 239.301, F.S.; providing for literacy assessments and other specialized services for participants in the welfare-transition program; amending s. 239.514, F.S., relating to the Workforce Development Capitalization Incentive Grant Program; conforming provisions to changes made by the act; amending s. 240.209, F.S.; requiring that the Board of Regents consider industry-driven competencies in certain program reviews; amending s. 240.312, F.S.; revising requirements for reviewing certificate career education programs and certain degree programs; amending s. 240.35, F.S.; providing for students enrolled in employment and training programs under the welfare-transition program to be exempt from certain fees; amending ss. 240.40207, 240.40685, F.S., relating to the Florida Gold Seal Vocational Scholars award and the Certified Education Paraprofessional Welfare Transition Program; conforming provisions to changes made by the act; amending s. 240.61, F.S., relating to college reach-out programs; providing for including temporary cash assistance in determining eligibility; amending s. 246.50, F.S.; providing for recipients of temporary cash assistance to be eligible for the Teacher-Aide Welfare Transition Program; amending ss. 288.046, 288.047, 288.0656, F.S., relating to quick-response training; deleting a reference to targeted industrial clusters; providing for the program to be administered by Workforce Florida, Inc., in conjunction with Enterprise Florida, Inc.; abolishing the advisory committee; revising requirements for the grant agreements; providing for a Quick-Response Training Program for participants in the welfare-transition program; amending s. 288.901, F.S.; providing for the chairperson of Workforce Florida, Inc., to be a member of the board of directors of Enterprise Florida, Inc.; amending ss. 288.904, 288.905, 288.906, F.S.; revising the duties and functions of Enterprise Florida, Inc., to conform to changes made by the act; amending s. 320.20, F.S.; providing for employing participants in the welfare-transition program for certain

projects of the Department of Transportation and the Florida Seaport Transportation and Economic Development Council; amending ss. 322.34, 341.052, F.S., relating to proceeds from the sale of seized motor vehicles and a public transit block grant program; conforming provisions to changes made by the act; amending s. 402.3015, F.S.; including children who participate in certain diversion programs under ch. 445, F.S., in the subsidized child care program; providing for certain needy families to be eligible to participate in the subsidized child care program; amending s. 402.33, F.S.; defining the term "state and federal aid" to include temporary cash assistance; amending s. 402.40, F.S.; revising membership requirements of the Child Welfare Standards and Training Council to reflect changes made by the act; amending s. 402.45, F.S., relating to the community resource mother or father program; providing for eligibility for recipients of temporary cash assistance; amending s. 403.973, F.S.; providing for expedited permitting of projects that employ participants in the welfare-transition program; amending ss. 409.2554, 409.259, F.S., relating to the child support enforcement program; conforming provisions to changes made by the act; amending s. 409.903, F.S., relating to payments for medical assistance; conforming provisions; amending s. 409.942, F.S.; requiring Workforce Florida, Inc., to establish an electronic benefit transfer program; requiring that the program be compatible with the benefit transfer program of the Department of Children and Family Services; amending ss. 411.01, 411.232, 411.242, F.S., relating to the Florida Partnership for School Readiness, the Children's Early Investment Program, and the Education Now and Babies Later Program; conforming provisions and revising eligibility for such programs; amending s. 413.82, F.S., relating to occupational access and opportunity; conforming a definition to changes made by the act; amending s. 421.10, F.S., relating to housing authorities; conforming income requirements; amending ss. 427.013, 427.0155, 427.0157, F.S., relating to the Commission for the Transportation Disadvantaged and community transportation programs; providing for the Division of Workforce Development within the Department of Education to perform duties with respect to apprenticeship training which were formerly performed by the Division of Jobs and Benefits within the Department of Labor and Employment Security; providing for the Division of Workforce Development within the Department of Education to perform duties with respect to apprenticeship training which were formerly performed by the Division of Jobs and Benefits within the Department of Labor and Employment Security; redesignating the State Apprenticeship Council as the "State Apprenticeship Advisory Council"; revising the method of appointing members to the council; amending ss. 446.40, 446.41, 446.42, 446.43, 446.44, F.S.; redesignating the Rural Manpower Services Program as the "Rural Workforce Services Program"; providing for the Division of Workforce Administrative Support of the Department of Management Services to administer the program under the direction of Workforce Florida, Inc.; amending s. 446.50, F.S.; requiring the Agency for Workforce Innovation to administer services for displaced homemakers under the direction of Workforce Florida, Inc.; requiring Workforce Florida, Inc., to develop the plan for the program; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for administration by the Department of Labor and Employment Security; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 497.419, F.S., relating to preneed contracts; conforming provisions to changes made by the act; providing appropriations; providing that no entitlement is created by the act; providing for expiration of specified sections; providing for severability; providing effective dates.

**House Amendment 1 (632043)(with title amendment)**—remove from the bill: everything after the enacting clause, and insert in lieu thereof:

Section 1. Section 445.001, Florida Statutes, is created to read:

*445.001 Short title.—This chapter may be cited as the "Workforce Innovation Act of 2000."*

Section 2. Section 445.002, Florida Statutes, is created to read:

*445.002 Definitions.—As used in this chapter, the term:*

(1) "Agency" means the Agency for Workforce Innovation.

(2) "Services and one-time payments" or "services," when used in reference to individuals who are not receiving temporary cash assistance, means nonrecurrent, short-term benefits designed to deal with a specific crisis situation or episode of need and other services; work subsidies; supportive services such as child care and transportation; services such as counseling, case management, peer support, and child care information and referral; transitional services, job retention, job advancement, and other employment-related services; nonmedical treatment for substance abuse or mental health problems; teen pregnancy prevention; two-parent family support, including noncustodial parent employment; court-ordered supervised visitation, and responsible fatherhood services; and any other services that are reasonably calculated to further the purposes of the welfare transition program. Such terms do not include assistance as defined in federal regulations at 45 C.F.R. s. 260.31(a).

(3) "Welfare transition services" means those workforce services provided to current or former recipients of temporary cash assistance under chapter 414.

Section 3. Section 288.9956, Florida Statutes, is transferred, renumbered as section 445.003, Florida Statutes, and amended to read:

*445.003 288.9956 Implementation of the federal Workforce Investment Act of 1998.—*

(1) WORKFORCE INVESTMENT ACT PRINCIPLES.—The state's approach to implementing the federal Workforce Investment Act of 1998, Pub. L. No. 105-220, should have six elements:

(a) Streamlining Services.—Florida's employment and training programs must be coordinated and consolidated at locally managed one-stop *delivery system* Career centers.

(b) Empowering Individuals.—Eligible participants will make informed decisions, choosing the qualified training program that best meets their needs.

(c) Universal Access.—Through a one-stop *delivery system* Career Centers, every Floridian will have access to employment services.

(d) Increased Accountability.—The state, localities, and training providers will be held accountable for their performance.

(e) Local Board and Private Sector Leadership.—Local boards will focus on strategic planning, policy development, and oversight of the local system, choosing local managers to direct the operational details of their one-stop *delivery system centers* Career Centers.

(f) Local Flexibility and Integration.—Localities will have exceptional flexibility to build on existing reforms. Unified planning will free local groups from conflicting micromanagement, while waivers and WorkFlex will allow local innovations.

(2) FIVE-YEAR PLAN.—The Workforce Florida, Inc., Development Board shall prepare and submit a 5-year plan, which includes secondary vocational education, to fulfill the early implementation requirements of Pub. L. No. 105-220 and applicable state statutes. Mandatory federal partners and optional federal partners, including the WAGES Program State Board of Directors, shall be fully involved in designing the plan's one-stop *delivery Career Center* system strategy. The plan shall detail a process to clearly define each program's statewide duties and role relating to the system. Any optional federal partner may immediately choose to fully integrate its program's plan with this plan, which shall, notwithstanding any other state provisions, fulfill all their state planning and reporting requirements as they relate to the one-stop *delivery system Career Centers*. The plan shall detail a process that would fully integrate all federally mandated and optional partners by the second year of the plan. All optional federal program partners in the planning process shall be mandatory participants in the second year of the plan.

## (3) FUNDING.—

(a) Title I, Workforce Investment Act of 1998 funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended based on the ~~Workforce Development Board's~~ 5-year plan of *Workforce Florida, Inc.* The plan shall outline and direct the method used to administer and coordinate various funds and programs that are operated by various agencies. The following provisions shall also apply to these funds:

1. At least 50 percent of the Title I funds for Adults and Dislocated Workers that are passed through to regional workforce development boards shall be allocated to Individual Training Accounts unless a regional workforce development board obtains a waiver from the ~~Workforce Florida, Inc. Development Board.~~ Tuition, fees, and performance-based incentive awards paid in compliance with Florida's Performance-Based Incentive Fund Program qualify as an Individual Training Account expenditure, as do other programs developed by regional workforce development boards in compliance with the ~~Workforce Development Board's~~ policies of *Workforce Florida, Inc.*

2. Fifteen percent of Title I funding shall be retained at the state level and shall be dedicated to state administration and used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. *Of such funds retained at the state level, \$2 million shall be reserved for the Incumbent Worker Training Program, created under subparagraph 3.* Eligible state administration costs include the costs of: funding for the ~~Workforce Development Board and Workforce Development Board's~~ staff of *Workforce Florida, Inc.*; operating fiscal, compliance, and management accountability systems through the ~~Workforce Florida, Inc. Development Board;~~ conducting evaluation and research on workforce development activities; and providing technical and capacity building assistance to regions at the direction of the ~~Workforce Florida, Inc. Development Board.~~ Notwithstanding s. 445.004 ~~288.9952~~, such administrative costs shall not exceed 25 percent of these funds. *An amount not to exceed 75 percent of these funds shall be allocated to Individual Training Accounts and other workforce development strategies for: the Minority Teacher Education Scholars program, the Certified Teacher-Aide program, the Self-Employment Institute, and other training Individual Training Accounts designed and tailored by the Workforce Florida, Inc. Development Board, including, but not limited to, programs for incumbent workers, displaced homemakers, nontraditional employment, empowerment zones, and enterprise zones. The Workforce Florida, Inc., Development Board shall design, adopt, and fund Individual Training Accounts for distressed urban and rural communities. The remaining 5 percent shall be reserved for the Incumbent Worker Training Program.*

3. The Incumbent Worker Training Program is created for the purpose of providing grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program will provide reimbursement grants to businesses that pay for preapproved, direct, training-related costs.

a. The Incumbent Worker Training Program will be administered by ~~a private business organization, known as the grant administrator, under contract with the Workforce Florida, Inc. Development Board. Workforce Florida, Inc., at its discretion, may contract with a private business organization to serve as grant administrator.~~

b. To be eligible for the program's grant funding, a business must have been in operation in Florida for a minimum of 1 year prior to the application for grant funding; have at least one full-time employee; demonstrate financial viability; and be current on all state tax obligations. Priority for funding shall be given to businesses with 25 employees or fewer, businesses in rural areas, businesses in distressed inner-city areas, *businesses in a qualified targeted industry,* or businesses whose grant proposals represent a significant upgrade in employee skills, or *businesses whose grant proposals represent a significant layoff avoidance strategy.*

c. All costs reimbursed by the program must be preapproved by *Workforce Florida, Inc.,* or the grant administrator. The program will not reimburse businesses for trainee wages, the purchase of capital equipment, or the purchase of any item or service that may possibly be used outside the training project. A business approved for a grant may be reimbursed for preapproved, direct, training-related costs including tuition and fees; books and classroom materials; and *overhead or indirect administrative* costs not to exceed 5 percent of the grant amount.

d. A business that is selected to receive grant funding must provide a matching contribution to the training project, including, but not limited to, wages paid to trainees or the purchase of capital equipment used in the training project; must sign an agreement with *Workforce Florida, Inc.,* or the grant administrator to complete the training project as proposed in the application; must keep accurate records of the project's implementation process; and must submit monthly or quarterly reimbursement requests with required documentation.

e. All Incumbent Worker Training Program grant projects shall be performance-based with specific measurable performance outcomes, including completion of the training project and job retention. *Workforce Florida, Inc.,* or the grant administrator shall withhold the final payment to the grantee until a final grant report is submitted and all performance criteria specified in the grant contract have been achieved.

f. ~~The Workforce Florida, Inc., may Development Board is authorized to establish guidelines necessary to implement the Incumbent Worker Training Program.~~

g. No more than 10 percent of the Incumbent Worker Training Program's total appropriation may be used for *overhead or indirect administrative* purposes.

h. ~~Workforce Florida, Inc., shall The grant administrator is required to submit a report to the Workforce Development Board and the Legislature on the financial and general operations of the Incumbent Worker Training Program. Such report will be due before October December 1 of any fiscal year for which the program is funded by the Legislature.~~

4. At least 50 percent of Rapid Response funding shall be dedicated to Intensive Services Accounts and Individual Training Accounts for dislocated workers and incumbent workers who are at risk of dislocation. ~~The Workforce Florida, Inc., Development Board shall also maintain an Emergency Preparedness Fund from Rapid Response funds which will immediately issue Intensive Service Accounts and Individual Training Accounts as well as other federally authorized assistance to eligible victims of natural or other disasters. At the direction of the Governor, for events that qualify under federal law, these Rapid Response funds shall be released to regional workforce development boards for immediate use. Funding shall also be dedicated to maintain a unit at the state level to respond to Rapid Response emergencies around the state, to work with state emergency management officials, and to work with regional workforce development boards. All Rapid Response funds must be expended based on a plan developed by the Workforce Florida, Inc., Development Board and approved by the Governor.~~

(b) The administrative entity for Title I, Workforce Investment Act of 1998 funds, and Rapid Response activities, ~~shall will be the Agency for Workforce Innovation, which shall provide determined by the Workforce Development Board, except that the administrative entity for Rapid Response for fiscal year 1999-2000 must be the Department of Labor and Employment Security. The administrative entity will provide services through a contractual agreement with the Workforce Development Board. The terms and conditions of the agreement may include, but are not limited to, the following:~~

1.—~~All policy direction to regional workforce development boards regarding Title I programs and Rapid Response activities pursuant to the direction of shall emanate from the Workforce Florida, Inc Development Board.~~

2.—~~Any policies by a state agency acting as an administrative entity which may materially impact local workforce boards, local governments, or educational institutions must be promulgated under chapter 120.~~

3.—~~The administrative entity will operate under a procedures manual, approved by the Workforce Development Board, addressing: financial services including cash management, accounting, and auditing; procurement; management information system services; and federal and state compliance monitoring, including quality control.~~

4.—~~State Career Service employees in the Department of Labor and Employment Security may be leased or assigned to the administrative entity to provide administrative and professional functions.~~

(4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED MODIFICATIONS.—

(a) ~~The Workforce Florida, Inc., Development Board may provide indemnification from audit liabilities to regional workforce development boards that act in full compliance with state law and the board's policies.~~

(b) ~~The Workforce Florida, Inc., Development Board may negotiate and settle all outstanding issues with the United States Department of Labor relating to decisions made by the Workforce Florida, Inc., any predecessor workforce organization, Development Board and the Legislature with regard to the Job Training Partnership Act, making settlements and closing out all JTPA program year grants before the repeal of the act June 30, 2000.~~

(c) ~~The Workforce Florida, Inc., Development Board may make modifications to the state's plan, policies, and procedures to comply with federally mandated requirements that in its judgment must be complied with to maintain funding provided pursuant to Pub. L. No. 105-220. The board shall notify in writing the Governor, the President of the Senate, and the Speaker of the House of Representatives within 30 days after of any such changes or modifications.~~

(5) The Department of Labor and Employment Security shall phase-down JTPA duties before the federal program is abolished July 1, 2000. Outstanding accounts and issues shall be *completed prior to transfer to the Agency for Workforce Innovation promptly closed out after this date.*

(6) LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.—

(a) ~~The Workforce Florida, Inc., Development Board may recommend workforce-related divisions, bureaus, units, programs, duties, commissions, boards, and councils that can be eliminated, consolidated, or privatized.~~

(b) ~~By December 31, 1999, The Office of Program Policy Analysis and Government Accountability shall review the workforce development system, as established by this act identifying divisions, bureaus, units, programs, duties, commissions, boards, and councils that could be eliminated, consolidated, or privatized. The office shall submit preliminary findings by December 31, 1999, and its final report and recommendations by December January 31, 2002 2000, to the President of the Senate and the Speaker of the House of Representatives. As part of the report, the Office of Program Policy Analysis and Government Accountability shall specifically identify, by funding stream, indirect, administrative, management information system, and overhead costs of the Department of Labor and Employment Security.~~

(7) ~~TERMINATION OF SET ASIDE.—For those state and federal set asides terminated by the federal Workforce Investment Act of 1998, the Department of Education, the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor, and the Department of Elder Affairs shall keep all unexpended JTPA 123 (Education Coordination), JTPA III (Dislocated Workers), or JTPA IIA (Services for Older Adults) funds to closeout their education and coordination activities. The Workforce Development Board shall develop guidelines under which the departments may negotiate with the regional workforce development boards to provide continuation of activities and services currently conducted with the JTPA Section 123 or JTPA IIA funds.~~

Section 4. Section 288.9952, Florida Statutes, is transferred, renumbered as section 445.004, Florida Statutes, and amended to read:

445.004 288.9952 Workforce Florida, Inc.; creation; purpose; membership; duties and powers ~~Development Board.~~—

(1) There is created ~~within the not for profit corporate structure of Enterprise Florida, Inc., a not-for-profit corporation, to be known as "Workforce Florida, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government. Workforce Florida, Inc., shall be administratively housed within the Agency for Workforce Innovation; however, Workforce Florida, Inc., shall not be subject to control, supervision, or direction by the Agency for Workforce Innovation in any manner. The Legislature determines, however, that public policy dictates that Workforce Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Workforce Florida, Inc., its board, councils, and any advisory committees or similar groups created by Workforce Florida, Inc., are subject to the provisions of chapter 119 relating to public records, and~~

~~those provisions of chapter 286 relating to public meetings public private Workforce Development Board. No officer, director, employee, or consultant of such corporation shall be or shall have been for the two years immediately preceding his or her appointment, election, selection, or retention, a member of the Legislature, appointed state officer, statewide elected officer, or employee as defined in s. 112.3145.~~

(2) *Workforce Florida, Inc., is the principal workforce policy organization for the state. The purpose of the Workforce Florida, Inc., Development Board is to design and implement strategies that help Floridians enter, remain in, and advance in the workplace, becoming more highly skilled and successful, benefiting these Floridians, Florida businesses, and the entire state, and to assist in developing the state's business climate.*

(3)(2)(a) ~~The Workforce Florida, Inc., Development Board shall be governed by a 25-voting-member board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, and two three representatives of organized labor who shall be appointed by the Governor. Notwithstanding s. 114.05(1)(f) s. 114.05(f), the Governor may appoint remaining members to Workforce Florida, Inc., from of the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board as required by this section. By July 1, 2000 June 1, 1999, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the timeframe and manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, and gender, and geographic representation shall be considered when making appointments to the board. Additional members may be appointed when necessary to conform to the requirements of Pub. L. No. 105-220.~~

(b) ~~The board of directors of the Workforce Florida, Inc., Development Board shall be chaired by a board member designated by the Governor pursuant to Pub. L. No. 105-220.~~

(c) ~~Private sector Members appointed by the Governor must be appointed for 2-year 4-year, staggered terms. Public sector members appointed by the Governor must be appointed to 4 year terms. Private sector representatives of businesses, appointed by the Governor pursuant to Pub. L. No. 105-220, shall constitute a majority of the membership of the board. Private sector representatives shall be appointed from nominations received by the Governor from any member of the Legislature. A member of the Legislature may submit more than one board nomination to the Governor. Private sector appointments to the board shall be representative of the business community of this state and no less than one-half of the appointments to the board must be representative of small businesses. Members appointed by the Governor serve at the pleasure of the Governor and are eligible for reappointment.~~

(d) ~~The Governor shall appoint members to the board of directors of the Workforce Florida, Inc., Development Board within 30 days after the receipt of a sufficient number of nominations.~~

(e) ~~A member of the board of directors of the Workforce Florida, Inc., Development Board may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal. The chair of the Workforce Florida, Inc., Development Board shall notify the Governor of such absences.~~

(f) ~~Representatives of businesses appointed to the board of directors may not include providers of workforce services.~~

(4)(3)(a) ~~The president of the Workforce Florida, Inc., Development Board shall be hired by the board of directors of Workforce president of Enterprise Florida, Inc., and shall serve at the pleasure of the Governor in the capacity of an executive director and secretary of the Workforce Florida, Inc. Development Board.~~

(b) ~~The board of directors of the Workforce Florida, Inc., Development Board shall meet at least quarterly and at other times upon call of its chair.~~

(c) A majority of the total current membership of the board of directors of the Workforce Florida, Inc., Development Board comprises a quorum of the board.

(d) A majority of those voting is required to organize and conduct the business of the Workforce Development board, except that a majority of the entire board of directors of the Workforce Development Board is required to adopt or amend the operational plan.

(e) Except as delegated or authorized by the board of directors of the Workforce Florida, Inc. Development Board, individual members have no authority to control or direct the operations of the Workforce Florida, Inc., Development Board or the actions of its officers and employees, including the president.

(f) ~~The board of directors of the Workforce Development Board may delegate to its president those powers and responsibilities it deems appropriate.~~

(f)(g) ~~Members of the board of directors of the Workforce Florida, Inc., Development Board and its committees shall serve without compensation, but these members, the president, and all employees of the Workforce Florida, Inc., Development Board may be reimbursed for all reasonable, necessary, and actual expenses pursuant to s. 112.061, as determined by the board of directors of Enterprise Florida, Inc.~~

(g)(h) ~~The board of directors of the Workforce Florida, Inc., Development Board may establish an executive committee consisting of the chair and at least six two additional board members selected by the board of directors, one of whom must be a representative of organized labor. The executive committee and the president shall have such authority as the board of directors of the Workforce Development Board delegates to it, except that the board of directors may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.~~

(h)(i) ~~The chair board of directors of the Workforce Development Board may appoint committees to fulfill its responsibilities, to comply with federal requirements, or to obtain technical assistance, and must incorporate members of regional workforce development boards into its structure. At a minimum, the chair shall establish the following standing councils: the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council. For purposes of Pub. L. No. 105-220, the First Jobs/First Wages Council shall serve as the state's youth council.~~

(i)(j) ~~Each member of the board of directors of the Workforce Development Board who is not otherwise required to file a financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must file disclosure of financial interests pursuant to s. 112.3145.~~

(5)(4) ~~The Workforce Florida, Inc., Development Board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:~~

(a) ~~Serving as the state's Workforce Investment Board pursuant to Pub. L. No. 105-220. Unless otherwise required by federal law, at least 90 percent of the workforce development funding must go into direct customer service costs. Of the allowable administrative overhead, appropriate amounts shall be expended to procure independent job placement evaluations.~~

(b) ~~Providing oversight and policy direction to ensure that the following programs are administered by the Agency for Workforce Innovation in compliance with approved plans and under contract with Workforce Florida, Inc.:~~

1. ~~Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, with the exception of programs funded directly by the United States Department of Labor under Title I, s. 167.~~

2. ~~Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.~~

3. ~~Welfare-to-work grants administered by the United States Department of Labor under Title IV, s. 403, of the Social Security Act, as amended.~~

4. ~~Activities authorized under Title II of the Trade Act of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the Trade Adjustment Assistance Program.~~

5. ~~Activities authorized under 38 U.S.C., chapter 41, including job counseling, training, and placement for veterans.~~

6. ~~Employment and training activities carried out under the Community Services Block Grant Act, 42 U.S.C. ss. 9901 et seq.~~

7. ~~Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.~~

8. ~~Welfare transition services funded by the Temporary Assistance for Needy Families Program, created under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403, of the Social Security Act, as amended.~~

9. ~~Displaced homemaker programs, provided under s. 446.50.~~

10. ~~The Florida Bonding Program, provided under Pub. L. No. 97-300, s. 164(a)(1).~~

11. ~~The Food Stamp Employment and Training Program, provided under the Food Stamp Act of 1977, U.S.C. ss. 2011-2032, the Food Security Act of 1988, Pub. L. No. 99-198, and the Hunger Prevention Act, Pub. L. No. 100-435.~~

12. ~~The Quick-Response Training Program, provided under ss. 288.046-288.047. Matching funds and in-kind contributions that are provided by clients of the Quick-Response Training Program shall count toward the requirements of s. 288.90151(5)(d), pertaining to the return on investment from activities of Enterprise Florida, Inc.~~

13. ~~The Work Opportunity Tax Credit, provided under the Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and the Taxpayer Relief Act of 1997, Pub. L. 105-34.~~

14. ~~Offender placement services, provided under ss. 944.707-944.708.~~

15. ~~Programs authorized under the National and Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the Service-America programs, the National Service Trust programs, the Civilian Community Corps, the Corporation for National and Community Service, the American Conservation and Youth Service Corps, and the Points of Light Foundation programs, if such programs are awarded to the state.~~

(c)(b) ~~Contracting with public and private entities as necessary to further the directives of this section. All contracts executed by Workforce Florida, Inc., must include specific performance expectations and deliverables, except that any contract made with an organization represented on the board of directors of Enterprise Florida, Inc., or on the board of directors of the Workforce Development Board must be approved by a two-thirds vote of the entire board of directors of the Workforce Development Board, and, if applicable, the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the board of directors of Enterprise Florida, Inc., or the board of directors of the Workforce Development Board. An organization represented on the board of directors of the Workforce Development Board or on the board of directors of Enterprise Florida, Inc., may not enter into a contract to receive a state-funded economic development incentive or similar grant unless such incentive award is specifically endorsed by a two-thirds vote of the entire board of directors of the Workforce Development Board. The member of the board of directors of the Workforce Development Board representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with members of the board of directors of the Workforce Development Board.~~

(c) ~~Providing an annual report to the board of directors of Enterprise Florida, Inc., by November 1 that includes a copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.~~

(d) Notifying the Governor, the President of the Senate, and the Speaker of the House of Representatives of noncompliance by the Agency for Workforce Innovation or other agencies or obstruction of the board's efforts by such agencies. Upon such notification, the Executive Office of the Governor shall assist agencies to bring them into compliance with board objectives.

(e) Ensuring that the state does not waste valuable training resources. Thus, the board shall direct that all resources, including equipment purchased for training Workforce Investment Act clients, be available for use at all times by eligible populations as first priority users. At times when eligible populations are not available, such resources shall be used for any other state authorized education and training purpose.

(f) Archiving records with the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State.

~~(5) Notwithstanding s. 216.351, to allow time for documenting program performance, funds allocated for the incentives in s. 239.249 must be carried forward to the next fiscal year and must be awarded for the current year's performance, unless federal law requires the funds to revert at the year's end.~~

~~(6) The Workforce Florida, Inc., Development Board may take action that it deems necessary to achieve the purposes of this section, including, but not limited to: and consistent with the policies of the board of directors of Enterprise Florida, Inc., in partnership with private enterprises, public agencies, and other organizations. The Workforce Development Board shall advise and make recommendations to the board of directors of Enterprise Florida, Inc., and through that board of directors to the State Board of Education and the Legislature concerning action needed to bring about the following benefits to the state's social and economic resources:~~

~~(a) Creating a state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.~~

~~(b) Establishing policy direction for a funding system that provides incentives to improve the outcomes of vocational education programs, and of registered apprenticeship and work-based learning programs, and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.~~

~~(c) Establishing a comprehensive policy related approach to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.~~

~~(d) Designating The designation of Institutes of Applied Technology composed of public and private postsecondary institutions working together with business and industry to ensure that technical and vocational education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry. Of the funds reserved for activities of the Workforce Investment Act at the state level, \$500,000 shall be reserved for an institute of applied technology in construction excellence, which shall be a demonstration project on the development of such institutes. The institute, once established, shall contract with the Workforce Development Board to provide a coordinated approach to workforce development in this industry.~~

~~(e) Providing policy direction for a system to project and evaluate labor market supply and demand using the results of the Workforce Estimating Occupational Forecasting Conference created in s. 216.136 and the career education performance standards identified under s. 239.233.~~

~~(f) Reviewing A review of the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs.~~

~~(g) Expanding the occupations identified by the Workforce Estimating Conference to meet needs created by local emergencies or plant closings or to capture occupations within emerging industries.~~

(7) By December 1 of each year, Workforce Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed annual report by the Workforce Development Board setting forth:

(a) All audits, including the audit in subsection (8), if conducted.

(b) The operations and accomplishments of the partnership including the programs or entities listed in subsection (6).

(8) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the Workforce Florida, Inc., Development Board or the programs or entities created by the Workforce Florida, Inc. Development Board. The Office of Program Policy Analysis and Government Accountability, pursuant to its authority or at the direction of the Legislative Auditing Committee, may review the systems and controls related to performance outcomes and quality of services of Workforce Florida, Inc.

(9) The Workforce Florida, Inc. Development Board, in collaboration with the regional workforce development boards and appropriate state agencies and local public and private service providers, and in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish uniform measures and standards to gauge the performance of the workforce development strategy. These measures and standards must be organized into three outcome tiers.

(a) The first tier of measures must be organized to provide benchmarks for systemwide outcomes. The Workforce Florida, Inc., Development Board must, in collaboration with the Office of Program Policy Analysis and Government Accountability, establish goals for the tier-one outcomes. Systemwide outcomes may include employment in occupations demonstrating continued growth in wages; continued employment after 3, 6, 12, and 24 months; reduction in and elimination of public assistance reliance; job placement; employer satisfaction; and positive return on investment of public resources.

(b) The second tier of measures must be organized to provide a set of benchmark outcomes for the initiatives of the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council one-stop Career Centers and for each of the strategic components of the workforce development strategy. A set of standards and measures must be developed for one-stop Career Centers, youth employment activities, WAGES, and High Skills/High Wages, targeting the specific goals of each particular strategic component. Cost per entered employment, earnings at placement, retention in employment, job placement, and entered employment rate must be included among the performance outcome measures.

1. Appropriate measures for one-stop Career Centers may include direct job placements at minimum wage, at a wage level established by the Occupational Forecasting Conference, and at a wage level above the level established by the Occupational Forecasting Conference.

2. Appropriate measures for youth employment activities may include the number of students enrolling in and completing work-based programs, including apprenticeship programs; job placement rate; job retention rate; wage at placement; and wage growth.

3. WAGES measures may include job placement rate, job retention rate, wage at placement, wage growth, reduction and elimination of reliance on public assistance, and savings resulting from reduced reliance on public assistance.

4. High Skills/High Wages measures may include job placement rate, job retention rate, wage at placement, and wage growth.

(c) The third tier of measures must be the operational output measures to be used by the agency implementing programs, and it may be specific to federal requirements. The tier-three measures must be developed by the agencies implementing programs, and the Workforce Florida, Inc., Development Board may be consulted in this effort. Such measures must be reported to the Workforce Florida, Inc., Development Board by the appropriate implementing agency.

(d) Regional differences must be reflected in the establishment of performance goals and may include job availability, unemployment rates, average worker wage, and available employable population. All

performance goals must be derived from the goals, principles, and strategies established in the Workforce Florida Act of 1996.

(e) Job placement must be reported pursuant to s. 229.8075. Positive outcomes for providers of education and training must be consistent with ss. 239.233 and 239.245.

(f) The uniform measures of success that are adopted by the Workforce Florida, Inc., Development Board or the regional workforce development boards must be developed in a manner that provides for an equitable comparison of the relative success or failure of any service provider in terms of positive outcomes.

(g) By ~~December 1~~ ~~October 15~~ of each year, the Workforce Florida, Inc., Development Board shall provide the Legislature with a report detailing the performance of Florida's workforce development system, as reflected in the three-tier measurement system. Additionally, this report must benchmark Florida outcomes, at all tiers, against other states that collect data similarly.

(10) The workforce development strategy for the state shall be designed by Workforce Florida, Inc., and shall be centered around the strategies of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace.

(b) Better Jobs/Better Wages is the state's strategy for assisting employers in upgrading or updating the skills of their employees and for assisting incumbent workers in improving their performance in their current jobs or acquiring the education or training needed to secure a better job with better wages.

(c) High Skills/High Wages is the state's strategy for aligning education and training programs with high-paying, high-demand occupations that advance individuals' careers, build a more skilled workforce, and enhance Florida's efforts to attract and expand job-creating businesses.

(11) The workforce development system shall use a charter-process approach aimed at encouraging local design and control of service delivery and targeted activities. Workforce Florida, Inc., shall be responsible for granting charters to regional workforce boards that have a membership consistent with the requirements of federal and state law and that have developed a plan consistent with the state's workforce development strategy. The plan must specify methods for allocating the resources and programs in a manner that eliminates unwarranted duplication, minimizes administrative costs, meets the existing job market demands and the job market demands resulting from successful economic development activities, ensures access to quality workforce development services for all Floridians, allows for pro rata or partial distribution of benefits and services, prohibits the creation of a waiting list or other indication of an unserved population, serves as many individuals as possible within available resources, and maximizes successful outcomes. As part of the charter process, Workforce Florida, Inc., shall establish incentives for effective coordination of federal and state programs, outline rewards for successful job placements, and institute collaborative approaches among local service providers. Local decisionmaking and control shall be important components for inclusion in this charter application.

Section 5. Section 445.005, Florida Statutes, is created to read:

445.005 First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc.—

(1) The chair of Workforce Florida, Inc., shall establish by October 1, 2000, three standing councils, which shall be known as the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council.

(a) The chair of Workforce Florida, Inc., shall determine the number of members to serve on each council.

(b) Each council shall be composed of individuals appointed by the chair of Workforce Florida, Inc., from the membership of the board of

directors and individuals from outside Workforce Florida, Inc., who possess relevant experience or expertise in the subject area of the council. A majority of the membership of each council must be members of the board of directors of Workforce Florida, Inc.

(c) The chair of Workforce Florida, Inc., shall name a chair for each council from among the members of the council who are also members of the board of directors.

(d) Each council may meet at the call of its chair or at the direction of the board of directors of Workforce Florida, Inc., but shall meet at least quarterly.

(2) The First Jobs/First Wages Council shall develop strategies for approval by the board of directors of Workforce Florida, Inc., which promote the successful entry of individuals, including young people and adults working for the first time, into the workforce. The council shall advise the board of directors and make recommendations on implementing programs and expending funds in support of the First Jobs/First Wages Program's strategies. The council shall serve as the state's youth council for purposes of Pub. L. No. 105-220.

(3) The Better Jobs/Better Wages Council shall develop strategies for approval by the board of directors of Workforce Florida, Inc., which promote the ability of adult workers to build careers by obtaining and retaining jobs with potential for advancement. The mission of the council includes developing strategies that promote the ability of participants in the welfare transition program to succeed in the workforce and avoid a return to dependence upon cash assistance from the government. The council shall advise the board of directors and make recommendations on implementing programs and expending funds in support of the Better Jobs/Better Wages Program's strategies.

(4) The High Skills/High Wages Council shall develop strategies for approval by the board of directors of Workforce Florida, Inc., which align the education and training programs with high-paying, high-demand occupations that advance individuals' careers, build a more skilled workforce, and enhance the state's efforts to attract and expand job-creating businesses. The council shall advise the board of directors and make recommendations on implementing programs and expending funds in support of the High-Skills/High-Wages Program's strategies.

Section 6. Section 445.006, Florida Statutes, is created to read:

445.006 Strategic plan for workforce development.—

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

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

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

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

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

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

(2) As a component of the strategic plan required under this section, Workforce Florida, Inc., shall develop a workforce marketing plan, with the goal of educating individuals inside and outside the state about the employment market and employment conditions in the state. The marketing plan must include, but need not be limited to, strategies for:

(a) Distributing information to secondary and postsecondary education institutions about the diversity of businesses in the state, specific clusters of businesses or business sectors in the state, and occupations by industry which are in demand by employers in the state;

(b) Distributing information about and promoting use of the Internet-based job matching and labor market information system authorized under s. 445.011; and

(c) Coordinating with Enterprise Florida, Inc., to ensure that workforce marketing efforts complement the economic development marketing efforts of the state.

(3) The strategic plan must include performance measures, standards, measurement criteria, and contract guidelines in the following areas with respect to participants in the welfare transition program:

- (a) Work participation rates, by type of activity;
- (b) Caseload trends;
- (c) Recidivism;
- (d) Participation in diversion and relocation assistance programs;
- (e) Employment retention;
- (f) Wage growth; and
- (g) Other issues identified by the board of directors of Workforce Florida, Inc.

(4) The strategic plan must include criteria for allocating workforce resources to regional workforce boards. With respect to allocating funds to serve customers of the welfare transition program, such criteria may include weighting factors that indicate the relative degree of difficulty associated with securing and retaining employment placements for specific subsets of the welfare transition caseload.

(5)(a) The strategic plan must include a performance-based payment structure to be used for all welfare transition program customers which takes into account:

1. The degree of difficulty associated with placement and retention;
2. The quality of the placement with respect to salary, benefits, and opportunities for advancement; and
3. The employee's retention in the placement.

(b) The payment structure must provide for bonus payments of up to 10 percent of the contract amount to providers that achieve notable success in achieving contract objectives, including, but not limited to, success in diverting families in which there is an adult who is subject to work requirements from receiving cash assistance and in achieving long-term job retention and wage growth with respect to welfare transition program customers. A service provider shall be paid a maximum of one payment per service for each participant during any given 6-month period.

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

1. A teen pregnancy prevention component that includes, but is not limited to, a plan for implementing the Florida Education Now and Babies Later (ENABL) program under s. 411.242 and the Teen Pregnancy Prevention Community Initiative within each county of the services area in which the teen birth rate is higher than the state average;
2. A component that encourages creation of community-based welfare prevention and reduction initiatives that increase support provided by noncustodial parents to their welfare-dependent children and are consistent with program and financial guidelines developed by Workforce Florida, Inc., and the Commission on Responsible Fatherhood. These initiatives may include, but are not limited to, improved paternity establishment, work activities for noncustodial parents, programs aimed at decreasing out-of-wedlock pregnancies, encouraging involvement of fathers with their children including court-ordered supervised visitation, and increasing child support payments;
3. A component that encourages formation and maintenance of two-parent families through, among other things, court-ordered supervised visitation;

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

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

(b) Specifications for welfare transition program services that are to be delivered include, but are not limited to:

1. Initial assessment services prior to an individual being placed in an employment service, to determine whether the individual should be referred for relocation, up-front diversion, education, or employment placement. Assessment services shall be paid on a fixed unit rate and may not provide educational or employment placement services.
2. Referral of participants to diversion and relocation programs.
3. Preplacement services, including assessment, staffing, career plan development, work orientation, and employability skills enhancement.
4. Services necessary to secure employment for a welfare transition program participant.
5. Services necessary to assist participants in retaining employment, including, but not limited to, remedial education, language skills, and personal and family counseling.
6. Desired quality of job placements with regard to salary, benefits, and opportunities for advancement.
7. Expectations regarding job retention.
8. Strategies to ensure that transition services are provided to participants for the mandated period of eligibility.
9. Services that must be provided to the participant throughout an education or training program, such as monitoring attendance and progress in the program.
10. Services that must be delivered to welfare transition program participants who have a deferral from work requirements but wish to participate in activities that meet federal participation requirements.
11. Expectations regarding continued participant awareness of available services and benefits.

Section 7. Section 288.9953, Florida Statutes, is transferred, renumbered as section 445.007, Florida Statutes, and amended to read:

~~445.007~~ ~~288.9953~~ Regional Workforce Development Boards.—

(1) One regional workforce development board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor. Individuals serving as members of regional workforce development boards or local WAGES coalitions, as of June 30, 2000, are eligible for appointment to regional workforce boards, pursuant to this section. The importance of minority and gender representation shall be considered when making appointments to the board. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143. ~~A member of a regional workforce development board may not vote on a matter under consideration by the board regarding the provision of services by such member, or by an entity that such member represents; vote on a matter that would provide direct financial benefit to such member or the immediate family of such member; or engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the state plan.~~

(2) The Workforce *Florida, Inc.*, ~~Development Board~~ will determine the timeframe and manner of changes to the regional workforce ~~development~~ boards as required by this *chapter* ~~act~~ and Pub. L. No. 105-220.

(3) The Workforce *Florida, Inc.*, ~~Development Board~~ shall assign staff to meet with each regional workforce ~~development~~ board annually to review the board's performance and to certify that the board is in compliance with applicable state and federal law.

(4) In addition to the duties and functions specified by the Workforce *Florida, Inc.*, ~~Development Board~~ and by the interlocal agreement approved by the local county or city governing bodies, the regional workforce ~~development~~ board shall have the following responsibilities:

(a) Develop, submit, ratify, or amend the local plan pursuant to Pub. L. No. 105-220, Title I, s. 118 *and the provisions of this act*.

(b) Conclude agreements necessary to designate the fiscal agent and administrative entity. *A public or private entity, including an entity established pursuant to s. 163.01, which makes a majority of the appointments to a regional workforce board may serve as the board's administrative entity if approved by Workforce Florida, Inc. The fiscal agent or administrative entity shall administer funds according to specifications in the agreement with Workforce Florida, Inc.*

(c) Complete assurances required for the ~~Workforce Development Board~~ charter process of *Workforce Florida, Inc.*, and provide ongoing oversight related to administrative costs, duplicated services, career counseling, economic development, equal access, compliance and accountability, and performance outcomes.

(d) Oversee *the one-stop delivery system Career Centers* in its local area.

(5) The Workforce *Florida, Inc.*, ~~Development Board~~ shall implement a training program for the regional workforce ~~development~~ boards to familiarize board members with the state's workforce development goals and strategies. The regional workforce ~~development~~ board shall designate all local service providers and shall not transfer this authority to a third party. In order to exercise independent oversight, the regional workforce ~~development~~ board shall not be a direct provider of intake, assessment, eligibility determinations, or other direct provider services.

(6) Regional workforce ~~development~~ boards may appoint local committees to obtain technical assistance on issues of importance, including those issues affecting older workers.

(7) Each regional workforce ~~development~~ board shall establish by *October 1, 2000*, a High Skills/High Wages committee consisting of *at least five private-sector business representatives appointed in consultation with local chambers of commerce by the primary county economic development organization within the region, as identified by Enterprise Florida, Inc.; a representative of each primary county economic development organization within the region; including the regional workforce development board chair; the presidents of all community colleges within the board's region; those district school superintendents with authority for conducting postsecondary educational programs within the region; and two representatives a representative from a nonpublic post-secondary educational institutions institution that are is an authorized individual training account providers provider within the region, appointed by the chair of the regional workforce board. If possible, one of the nonpublic educational institutions represented must be accredited by the Southern Association of Colleges and Schools. The business representatives appointed by the primary county economic development organizations other than the board chair need not be members of the regional workforce development board and shall represent those industries that are of primary importance to the region's current and future economy. In a multicounty region, each primary county economic development organization within the region shall appoint at least one business representative and shall consult with the other primary county economic development organizations within the region to make joint appointments when necessary.*

(a) *At least annually During fiscal year 1999-2000, each High Skills/High Wages committee shall submit, quarterly, recommendations to the Workforce Florida, Inc., Development Board related to:*

1. Policies to enhance the responsiveness of High Skills/High Wages programs in its region to business and economic development opportunities.

2. Integrated use of state education and federal workforce development funds to enhance the training and placement of designated population individuals with local businesses and industries.

(b) *The committees shall also make reports to Workforce Florida, Inc., annually, on dates specified by Workforce Florida, Inc., that identify occupations in the region deemed critical to business retention, expansion, and recruitment activities, based on guidelines set by Workforce Florida, Inc. Such guidelines shall include research of the workforce needs of private employers in the region, in consultation with local chambers of commerce and economic development organizations. Occupations identified pursuant to this paragraph shall be considered by Workforce Florida, Inc., for inclusion in the region's targeted occupation list. After fiscal year 1999-2000, the Workforce Development Board has the discretion to decrease the frequency of reporting by the High Skills/High Wages committees, but the committees shall meet and submit any recommendations at least annually.*

(c) ~~Annually, the Workforce Development Board shall compile all the recommendations of the High Skills/High Wages committees, research their feasibility, and make recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

(8) *Each regional workforce board shall establish a Better Jobs/Better Wages committee consisting of at least five members. Initial appointments to this committee shall include at least three members of the local WAGES coalition, established pursuant to chapter 96-175, Laws of Florida.*

(9) *Each regional workforce board shall establish a First Jobs/First Wages committee consisting of at least five members. This committee shall serve as the youth council for purposes of Pub. L. No. 105-220.*

(10) *The importance of minority and gender representation shall be considered when appointments are made to any committee established by the regional workforce board.*

(11) *For purposes of procurement, regional workforce boards and their administrative entities are not state agencies, but the boards and their administrative entities must comply with state procurement laws and procedures until Workforce Florida, Inc., adopts the provisions or alternative procurement procedures that meet the requirements of federal law. All contracts executed by regional workforce boards must include specific performance expectations and deliverables.*

Section 8. Section 445.008, Florida Statutes, is created to read:

445.008 *Workforce Training Institute.—*

(1) *Workforce Florida, Inc., may create the Workforce Training Institute, which shall be a comprehensive program of workforce training courses designed to meet the unique needs of and shall include Internet-based training modules suitable for, and made available to, professionals integral to the workforce system, including advisors and counselors in educational institutions.*

(2) *Workforce Florida, Inc., may enter into a contract for the provision of administrative support services for the institute. Workforce Florida, Inc., shall adopt policies for the administration and operation of the institute and establish admission fees in an amount which, in the aggregate, does not exceed the cost of the program. Workforce Florida, Inc., may accept donations or grants of any type for any function or purpose of the institute.*

(3) *All moneys, fees, donations, or grants collected by Workforce Florida, Inc., under this section shall be applied to cover all costs incurred in establishing and conducting the workforce training programs authorized under this section, including, but not limited to, salaries for instructors and costs of materials connected to such programs.*

Section 9. Section 288.9951, Florida Statutes, is transferred, renumbered as section 445.009, Florida Statutes, and amended to read:

445.009 ~~288.9951~~ *One-stop delivery system Career Centers.—*

(1) *The one-stop delivery system is Career Centers comprise the state's primary initial customer-service strategy delivery system for offering every Floridian access, through service sites or telephone or computer networks, to the following services:*

- (a) Job search, referral, and placement assistance.
- (b) Career counseling and educational planning.
- (c) Consumer reports on service providers.
- (d) Recruitment and eligibility determination.
- (e) Support services, including child care and transportation assistance to gain employment.
- (f) Employability skills training.
- (g) Adult education and basic skills training.
- (h) Technical training leading to a certification and degree.
- (i) Claim filing for unemployment compensation services.
- (j) Temporary income, health, nutritional, and housing assistance.
- (k) Other appropriate and available workforce development services.

~~(2) In addition to the mandatory partners identified in Pub. L. No. 105-220, Food Stamp Employment and Training, Food Stamp work programs, and WAGES/TANF programs shall, upon approval by the Governor of a transition plan prepared by the Workforce Development Board in collaboration with the WAGES Program State Board of Directors, participate as partners in each one-stop Career Center. Based on this plan, each partner is prohibited from operating independently from a One-Stop Career Center unless approved by the regional workforce development board. Services provided by partners who are not physically located in a One-Stop Career Center must be approved by the regional workforce development board.~~

~~(2)(a)(3) Subject to a process designed by the Workforce Florida, Inc. Development Board, and in compliance with Pub. L. No. 105-220, regional workforce development boards shall designate one-stop delivery system Career Center operators.~~

~~(b) A regional workforce board may designate as its one-stop delivery system operator any public or private entity that is eligible to provide services under any state or federal workforce program that is a mandatory or discretionary partner in the region's one-stop delivery system if approved by Workforce Florida, Inc., upon a showing by the regional workforce board that a fair and competitive process was used in the selection. As a condition of authorizing a regional workforce board to designate such an entity as its one-stop delivery system operator, Workforce Florida, Inc., must require the regional workforce board to demonstrate that safeguards are in place to ensure that the one-stop delivery system operator will not exercise an unfair competitive advantage or unfairly refer or direct customers of the one-stop delivery system to services provided by that one-stop delivery system operator. A regional workforce development board may retain its current One-Stop Career Center operator without further procurement action where the board has established a One-Stop Career Center that has complied with federal and state law.~~

~~(3)(4) Notwithstanding any other provision of law, any memorandum of understanding in effect on June 30, 2000, between a regional workforce board and the Department of Labor and Employment Security governing the delivery of workforce services shall remain in effect until September 30, 2000. Beginning October 1, 2000, regional workforce boards shall enter into a memorandum of understanding with the Agency for Workforce Innovation for the delivery of employment services authorized by the federal Wagner-Peyser Act. This memorandum of understanding must be performance based. effective July 1, 1999, regional workforce development boards shall enter into a memorandum of understanding with the Department of Labor and Employment Security for the delivery of employment services authorized by Wagner-Peyser. For fiscal year 1999-2000, the memorandum of understanding with the Department of Labor and Employment Security must be performance-based, dedicating 15 percent of the funds to performance payments. Performance payments shall be based on performance measures developed by the Workforce Development Board.~~

~~(a) Unless otherwise required by federal law, at least 90 percent of the Wagner-Peyser funding must go into direct customer service costs.~~

~~(b) Employment services must be provided through the one-stop delivery system Career Centers, under the guidance of one-stop delivery system Career Center operators. One-stop delivery system operators shall have overall authority for directing the staff of the workforce system. Personnel matters shall remain under the ultimate authority of the Agency for Workforce Innovation. However, the one-stop delivery system operator shall submit to the agency information concerning the job performance of agency employees who deliver employment services. The agency shall consider any such information submitted by the one-stop delivery system operator in conducting performance appraisals of the employees.~~

~~(c) The agency shall retain fiscal responsibility and accountability for the administration of funds allocated to the state under the Wagner-Peyser Act. An agency employee who is providing services authorized under the Wagner-Peyser Act shall be paid using Wagner-Peyser Act funds.~~

~~(d) The Office of Program Policy Analysis and Government Accountability, in consultation with Workforce Florida, Inc., shall review the delivery of employment services under the Wagner-Peyser Act and the integration of those services with other activities performed through the one-stop delivery system and shall provide recommendations to the Legislature for improving the effectiveness of the delivery of employment services in this state. The Office of Program Policy Analysis and Government Accountability shall submit a report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2002.~~

~~(4)(5) One-stop delivery system Career Center partners identified in subsection (2) shall enter into a memorandum of understanding pursuant to Pub. L. No. 105-220, Title I, s. 121, with the regional workforce development board. Failure of a local partner to participate cannot unilaterally block the majority of partners from moving forward with their one-stop delivery system Career Centers, and the Workforce Florida, Inc. Development Board, pursuant to s. 445.004(5)(d) s. 288.9952(4)(d), may make notification of a local partner that fails to participate.~~

~~(5)(a)(6) To the extent possible, core services, as defined by Pub. L. No. 105-220, shall be provided electronically, using utilizing existing systems and public libraries. These electronic systems shall be linked and integrated into a comprehensive service system to simplify access to core services by:~~

~~1. Maintaining staff to serve as the first point of contact with the public seeking access to employment services who are knowledgeable about each program located in each one-stop delivery system center as well as related services. An initial determination of the programs for which a customer is likely to be eligible and any referral for a more thorough eligibility determination must be made at this first point of contact; and~~

~~2. Establishing an automated, integrated intake screening and eligibility process where customers will provide information through a self-service intake process that may be accessed by staff from any participating program.~~

~~(b) To expand electronic capabilities, the Workforce Florida, Inc. Development Board, working with regional workforce development boards, shall develop a centralized help center to assist regional workforce development boards in fulfilling core services, minimizing the need for fixed-site one-stop delivery system Career centers.~~

~~(c) To the extent feasible, core services shall be accessible through the Internet. Through this technology, core services shall be made available at public libraries, public and private educational institutions, community centers, kiosks, neighborhood facilities, and satellite one-stop delivery system sites. Each regional workforce board's web page shall serve as a portal for contacting potential employees by integrating the placement efforts of universities and private companies, including staffing services firms, into the existing one-stop delivery system.~~

~~(6)(7) Intensive services and training provided pursuant to Pub. L. No. 105-220, shall be provided to individuals through Intensive Service Accounts and Individual Training Accounts. The Workforce Florida, Inc., Development Board shall develop, by July 1, 1999, an implementation plan, including identification of initially eligible training providers, transition guidelines, and criteria for use of these accounts. Individual Training Accounts must be compatible with Individual Development~~

Accounts for education allowed in federal and state welfare reform statutes.

(7)(8)(a) Individual Training Accounts must be expended on programs that prepare people to enter high-wage occupations identified by the *Workforce Estimating Occupational Forecasting Conference* created by s. 216.136, and on other programs as approved by the *Workforce Florida, Inc. Development Board*.

(b) For each approved training program, regional workforce development boards, in consultation with training providers, shall establish a fair-market purchase price to be paid through an Individual Training Account. The purchase price must be based on prevailing costs and reflect local economic factors, program complexity, and program benefits, including time to beginning of training and time to completion. The price shall ensure the fair participation of public and nonpublic postsecondary educational institutions as authorized service providers and shall prohibit the use of unlawful remuneration to the student in return for attending an institution. Unlawful remuneration does not include student financial assistance programs.

(c) The *Workforce Florida, Inc., Development Board* shall periodically review Individual Training Account pricing schedules developed by regional workforce development boards and present findings and recommendations for process improvement to the President of the Senate and the Speaker of the House of Representatives by January 1, 2000.

(d) To the maximum extent possible, training providers shall use funding sources other than the funding provided under Pub. L. No. 105-220. A performance outcome related to alternative financing obtained by the training provider shall be established by the *Workforce Florida, Inc., Development Board* and used for performance evaluation purposes. The performance evaluation must take into consideration the number of alternative funding sources.

(e) Training services provided through Individual Training Accounts must be performance-based, with successful job placement triggering full payment.

(f) The accountability measures to be used in documenting competencies acquired by the participant during training shall be literacy completion points and occupational completion points. Literacy completion points refers to the academic or workforce readiness competencies that qualify a person for further basic education, vocational education, or for employment. Occupational completion points refers to the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

(8)(9)(a) *Workforce Florida, Inc.* The *Department of Management Services*, working with the *Agency for Workforce Innovation Workforce Development Board*, shall coordinate among the agencies a plan for a One-Stop Career Center Electronic Network made up of one-stop delivery system Career centers and other partner agencies that are operated by authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support this electronic network for service delivery that includes Government Services Direct. *If necessary, the plan shall identify additional funding needed to achieve the provisions of this subsection.*

(b) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the one-stop delivery system Career Centers:

1. The Unemployment Compensation System of the Department of Labor and Employment Security.
2. The Job Service System of the Department of Labor and Employment Security.
3. The FLORIDA System and the components related to WAGES, food stamps, and Medicaid eligibility.
4. The Workers' Compensation System of the Department of Labor and Employment Security.

5. The Student Financial Assistance System of the Department of Education.

6. Enrollment in the public postsecondary education system.

7. *Other information systems determined appropriate by Workforce Florida, Inc.*

The systems shall be fully coordinated at both the state and local levels by July January 1, 2001 2000.

(9) *To the maximum extent feasible, the one-stop delivery system may use private sector staffing services firms in the provision of workforce services to individuals and employers in the state. Regional workforce boards may collaborate with staffing services firms in order to facilitate the provision of workforce services. Regional workforce boards may contract with private sector staffing services firms to design programs that meet the employment needs of the region. All such contracts must be performance-based and require a specific period of job tenure prior to payment.*

(10) *To avoid any delay or disruption of services, a participant or an individual redirected through up-front diversion is presumed to be eligible for transitional services except transitional Medicaid, which must be determined in accordance with federal policy. Upon notification that a participant or diverted individual has obtained employment, the regional workforce board shall provide all transitional benefits and services until the designated administering department or entity confirms eligibility or advises the regional workforce board that the individual does not meet the eligibility requirements. Regardless, the regional workforce board is responsible for payment of any child care registration fees and sick child care for all eligible participants or redirected individuals.*

Section 10. (1) *It is the intent of the Legislature that the changes to the workforce system made by this act, including, but not limited to, the transfer of any workforce policy, program, or administrative responsibility to Workforce Florida, Inc., or to the Agency for Workforce Innovation, be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization in the workforce system. To that end, the Legislature directs all applicable units of state government to contribute to the successful implementation of this act, and the Legislature believes that a transition period between the effective date of this act and October 1, 2000, is appropriate and warranted.*

(2) *Workforce Florida, Inc., shall coordinate the development and implementation of a transition plan that supports the implementation of this act. The Department of Management Services, the Department of Labor and Employment Security, and all other state agencies identified by Workforce Florida, Inc., shall cooperate fully in developing and implementing the plan and shall dedicate the financial and staff resources that are necessary to implement the plan.*

(3) *The Governor shall designate a staff member of the Office of Planning and Budgeting to serve as the Governor's primary representative on matters related to implementing this act and the transition plan required under this section. The representative shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress being made in implementing this act and the transition plan, including, but not limited to, the adverse impact on workforce services provided to the public, or any other negative consequence, of meeting any deadline imposed by this act, any difficulties experienced by Workforce Florida, Inc., in securing the full participation and cooperation of applicable state agencies. The representative shall also coordinate the submission of any budget amendments, in accordance with chapter 216, Florida Statutes, that may be necessary to implement this act.*

(4) *Upon the recommendation and guidance from Workforce Florida, Inc., in order to carry out the changes made by this act to the workforce system, the Governor shall submit in a timely manner to the applicable departments or agencies of the Federal Government any necessary amendments or supplemental information concerning plans that the state is required to submit to the Federal Government in connection with any federal or state workforce program. The Governor shall seek any waivers from the requirements of federal law or rules which may be necessary to administer the provisions of this act.*

(5) *The transfer of any program, activity, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, or*

function. Unless otherwise provided, the successor organization to any program, activity, or function transferred under this act shall become the custodian of any property of the organization that was responsible for the program, activity, or function immediately prior to the transfer.

(6) Workforce Florida, Inc., may contract with the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to take any necessary initial steps in preparing to become the state's principal workforce policy organization on October 1, 2000, consistent with the provisions of this act.

Section 11. (1) Effective July 1, 2000, the following programs and functions are assigned and transferred to Workforce Florida, Inc.:

(a) The WAGES Program State Board of Directors data, records, property, support staff, contract personnel, and unexpended balances of appropriations, allocations, and other funds from the Executive Office of the Governor.

(b) The programs, activities, and functions of the Workforce Development Board of Enterprise Florida, Inc., including records, personnel, property, and unexpended balances of funds. To reduce administrative costs, Workforce Florida, Inc., may contract with Enterprise Florida, Inc., for the provision of personnel, property management, and other support services.

(2) Effective July 1, 2000, the Bureau of Apprenticeship of the Division of Jobs and Benefits is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Division of Workforce Development in the Department of Education.

(3) Effective October 1, 2000, employees of the Workforce Development Board of Enterprise Florida, Inc., who are leased from the Department of Management Services are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Agency for Workforce Innovation. State employees leased to the Workforce Development Board as of June 30, 2000, may be leased to Workforce Florida, Inc., as of the same date to perform administrative and professional services. Additional state employees in the Agency for Workforce Innovation may be assigned to Workforce Florida, Inc.

(4) Effective October 1, 2000, the following programs and functions are transferred to the Agency for Workforce Innovation:

(a) The Division of Workforce and Employment Opportunities and the Office of Labor Market Statistics are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security. Employees who are responsible for information technology within the Division of Workforce and Employment Opportunities, employees who are responsible for licensing and permitting business agents and labor organizations under chapter 447, Florida Statutes, and employees who are responsible for regulations relating to minority labor groups under chapter 450, Florida Statutes, are not included in this transfer. The Agency for Workforce Innovation, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed for administrative support of the programs within the Division of Workforce and Employment Opportunities as transferred to the agency. The number of administrative support positions the agency determines are needed shall not exceed the number of administrative support positions that prior to the transfer were authorized to the Department of Labor and Employment Security for this purpose. Upon transfer of the Division of Workforce and Employment Opportunities, the number of required administrative support positions as determined by the agency shall be authorized within the agency.

(b) The resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the Office of the Secretary or any other division, office, bureau, or unit within the Department of Labor and Employment Security that support the Division of Workforce and Employment Opportunities are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security.

(c) Staff of the displaced homemaker program are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Education.

(d) The Agency for Workforce Innovation, in consultation with the Department of Management Services, shall determine the number of positions needed to perform the WAGES contracting function within the agency. The number of positions the agency determines are needed shall not exceed the number of positions that prior to the transfer were authorized to the WAGES Contracting Division within the Department of Management Services for this purpose. Upon transfer of the WAGES Contracting Division, the number of required positions as determined by the agency shall be authorized within the agency.

(e) The resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the WAGES Contracting Division are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Management Services to the Agency for Workforce Innovation.

(f) The Division of Unemployment Compensation is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Workforce Innovation. The resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the Office of the Secretary or any other division, office, bureau, or unit within the Department of Labor and Employment Security that support the Division of Unemployment Compensation are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security. By January 1, 2001, the Agency for Workforce Innovation shall enter into a contract with the Department of Revenue which shall provide for the Department of Revenue to provide unemployment tax collection services. The Department of Revenue, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed to provide unemployment tax collection services within the Department of Revenue. The number of unemployment tax collection service positions the Department of Revenue determines are needed shall not exceed the number of positions that, prior to the contract, were authorized to the Department of Labor and Employment Security for this purpose. Upon entering into the contract with the Agency for Workforce Innovation to provide unemployment tax collection services, the number of required positions, as determined by the Department of Revenue, shall be authorized within the Department of Revenue. Beginning January 1, 2002, the Office of Program Policy Analysis and Government Accountability shall conduct a feasibility study regarding privatization of unemployment tax collection services. A report on the conclusions of this study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(5) Unless already met or exceeded by reductions required by the General Appropriations Act to division positions authorized on June 30, 2000, prior to effecting the transfer of staff required by paragraph (4)(a), the Department of Labor and Employment Security shall reduce by 25 percent within the Division of Workforce and Employment Opportunities the number of positions not engaged in directly providing workforce development services to customers or in supervising the direct provision of workforce development services. Prior to January 1, 2001, Workforce Florida, Inc., in cooperation with the Agency for Workforce Innovation, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a plan for reorganizing and further reducing the number of staff members transferred pursuant to paragraph (4)(a).

(6) The Department of Labor and Employment Security shall develop a plan to reduce the department's existing full-time positions to reflect the remaining mission of the department. The department shall submit a budget amendment for legislative notice and review under section 216.177, Florida Statutes, to implement the plan by October 1, 2000.

Section 12. Section 445.010, Florida Statutes, is created to read:

445.010 Workforce system information technology; principles and information sharing.—

(1) The following principles shall guide the development and management of workforce system information resources:

(a) Workforce system entities should be committed to information sharing.

(b) Cooperative planning by workforce system entities is a prerequisite for the effective development of systems to enable the sharing of data.

(c) Workforce system entities should maximize public access to data, while complying with legitimate security, privacy, and confidentiality requirements.

(d) When the capture of data for the mutual benefit of workforce system entities can be accomplished, the costs for capturing, managing, and disseminating those data should be shared.

(e) The redundant capture of data should, insofar as possible, be eliminated.

(f) Only data that are auditable, or that otherwise can be determined to be accurate, valid, and reliable, should be maintained in workforce information systems.

(g) The design of workforce information systems should support technological flexibility for users without compromising system integration or data integrity, be based upon open standards, and use platform-independent technologies to the fullest extent possible.

(2) Information that is essential to the integrated delivery of services through the one-stop delivery system must be shared between partner agencies within the workforce system to the full extent permitted under state and federal law. In order to enable the full integration of services for a specific workforce system customer, that customer must be offered the opportunity to provide written consent prior to sharing any information concerning that customer between the workforce system partners which is subject to confidentiality under state or federal law.

Section 13. Section 445.011, Florida Statutes, is created to read:

445.011 Workforce information systems.—

(1) Workforce Florida, Inc., shall implement, subject to legislative appropriation, automated information systems that are necessary for the efficient and effective operation and management of the workforce development system. These information systems shall include, but need not be limited to, the following:

(a) An integrated management system for the one-stop service delivery system, which includes, at a minimum, common registration and intake, screening for needs and benefits, case planning and tracking, training benefits management, service and training provider management, performance reporting, executive information and reporting, and customer-satisfaction tracking and reporting.

1. The system should report current budgeting, expenditure, and performance information for assessing performance related to outcomes, service delivery, and financial administration for workforce programs pursuant to s. 445.004(5) and (9).

2. The information system should include auditable systems and controls to ensure financial integrity and valid and reliable performance information.

3. The system should support service integration and case management by providing for case tracking for participants in welfare transition programs.

(b) An automated job-matching information system that is accessible to employers, job seekers, and other users via the Internet, and that includes, at a minimum:

1. Skill match information, including skill gap analysis; resume creation; job order creation; skill tests; job search by area, employer type, and employer name; and training provider linkage;

2. Job market information based on surveys, including local, state, regional, national, and international occupational and job availability information; and

3. Service provider information, including education and training providers, child care facilities and related information, health and social service agencies, and other providers of services that would be useful to job seekers.

(2) In procuring workforce information systems, Workforce Florida, Inc., shall employ competitive processes, including requests for proposals, competitive negotiation, and other competitive processes to ensure that

the procurement results in the most cost-effective investment of state funds.

(3) Workforce Florida, Inc., may procure independent verification and validation services associated with developing and implementing any workforce information system.

(4) Workforce Florida, Inc., shall coordinate development and implementation of workforce information systems with the state's Chief Information Officer in the State Technology Office to ensure compatibility with the state's information system strategy and enterprise architecture.

Section 14. (1) By December 15, 2000, the Postsecondary Education Planning Commission, in close consultation with Workforce Florida, Inc., and in consultation with the Division of Community Colleges and the Division of Workforce Development in the Department of Education, the State Board of Independent Colleges and Universities, and the State Board of Nonpublic Career Education, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, recommending strategies to expand access to and production of certificates and degrees in programs that provide the skilled workforce needed for Florida's economy.

(2) The report shall address the following issues and options:

(a) New and innovative targeted financial aid programs.

(b) Initiatives to encourage the restructuring of curriculum to provide a better response to the needs of Florida's businesses and industries.

(c) Performance-based incentive funding to state universities for increased production of graduates from targeted programs.

(d) Performance-based incentive funding to state universities and other initiatives for providing accelerated articulation options to students awarded an Associate of Science degree.

(e) Innovative uses of federal Workforce Investment Act and Welfare to Work funds to provide the broadest eligibility for and promote access to targeted high priority educational programs.

Section 15. Section 445.013, Florida Statutes, is created to read:

445.013 Challenge grants in support of welfare-to-work initiatives.—

(1) Workforce Florida, Inc., shall establish a "Step-Up Challenge Grant Program" designed to maximize the use of federal welfare-to-work funds that are available to the state. The purpose of this challenge grant program is to ensure that needy Floridians obtain training and education to support retention of employment and achievement of self-sufficiency through career advancement.

(2) Workforce Florida, Inc., shall solicit the participation of not-for-profit organizations, for-profit organizations, educational institutions, and units of government in this program. Eligible organizations include, but are not limited to:

(a) Public and private educational institutions, as well as their associations and scholarship funds;

(b) Faith-based organizations;

(c) Community development or community improvement organizations;

(d) College or university alumni organizations or fraternities or sororities;

(e) Community-based organizations dedicated to addressing the challenges of inner city, rural, or minority youth;

(f) Chambers of commerce or similar business or civic organizations;

(g) Neighborhood groups or associations, including communities receiving a "Front Porch Florida" designation;

(h) Municipalities, counties, or other units of government;

(i) Private businesses; and

(j) Other organizations deemed appropriate by Workforce Florida, Inc.

(3) If an eligible organization pledges to sponsor an individual in postemployment education or training approved by Workforce Florida, Inc., by providing the match of nonfederal funds required under the federal welfare-to-work grant program, Workforce Florida, Inc., shall earmark welfare-to-work funds in support of the sponsored individual and the designated training or education project. Workforce Florida, Inc., and the eligible organization shall enter into an agreement governing the disbursement of funds which specifies the services to be provided for the benefit of the eligible participant. Individuals receiving training or education under this program must meet the eligibility criteria of the federal welfare-to-work grant program, and Workforce Florida, Inc., must disperse funds in compliance with regulations or other requirements of the federal welfare-to-work grant program.

(4) Workforce Florida, Inc., shall establish guidelines governing the administration of the program provided under this section and shall establish criteria to be used in evaluating funding proposals. One of the evaluation criteria must be a determination that the education or training provided under the grant will enhance the ability of the individual to retain employment and achieve self-sufficiency through career advancement.

(5) Federal welfare-to-work funds appropriated by the Legislature which are not fully expended in support of this program may be used by Workforce Florida, Inc., in support of other activities authorized under the welfare-to-work grant.

Section 16. Section 288.9955, Florida Statutes, is transferred, renumbered as section 445.016, Florida Statutes, and amended to read:

~~445.016 288.9955~~ Untried Worker Placement and Employment Incentive Act.—

(1) This section may be cited as the “Untried Worker Placement and Employment Incentive Act.”

(2) For purposes of this section, the term “untried worker” means a person who is a hard-to-place participant in the ~~welfare transition program~~ ~~Work and Gain Economic Self-sufficiency Program (WAGES)~~ because he or she has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment, particularly because of physical or mental disabilities.

(3) Incentive payments may be made to for-profit or not-for-profit agents selected by ~~regional workforce boards~~ ~~local WAGES coalitions~~ who successfully place untried workers in full-time employment for 6 months with an employer after the employee successfully completes a probationary placement of no more than 6 months with that employer. Full-time employment that includes health care benefits will receive an additional incentive payment.

(4) The for-profit and not-for-profit agents shall contract to provide services for no more than 1 year. Contracts may be renewed upon successful review by the contracting agent.

(5) Incentives must be paid according to the incentive schedule developed by *Workforce Florida, Inc., the Agency for Workforce Development, the Department of Labor and Employment Security* and the Department of Children and Family Services which costs the state less per placement than the state’s 12-month expenditure on a welfare recipient.

(6) During an untried worker’s probationary placement, the for-profit or not-for-profit agent shall be the employer of record of that untried worker, and shall provide workers’ compensation and unemployment compensation coverage as provided by law. The business employing the untried worker through the agent may be eligible to apply for any tax credits, wage supplementation, wage subsidy, or employer payment for that employee that are authorized in law or by agreement with the employer. After satisfactory completion of such a probationary period, an untried worker shall not be considered an untried worker.

(7) This section shall not be used for the purpose of displacing or replacing an employer’s regular employees, and shall not interfere with executed collective bargaining agreements. Untried workers shall be paid by the employer at the same rate as similarly situated and assessed workers in the same place of employment.

(8) An employer that demonstrates a pattern of unsuccessful placements shall be disqualified from participation in these pilots because of poor return on the public’s investment.

(9) Any employer that chooses to employ untried workers is eligible to receive such incentives and benefits that are available and provided in law, as long as the long-term, cost savings can be quantified with each such additional inducement.

Section 17. Section 414.15, Florida Statutes, is transferred, renumbered as section 445.017, Florida Statutes, and amended to read:

~~445.017 414.15~~ Diversion.—

(1) ~~Many customers of the one-stop delivery system~~ ~~A segment of applicants~~ do not need ongoing temporary cash assistance, but, due to an unexpected circumstance or emergency situation, require some immediate assistance to ~~secure or retain in meeting a financial obligation~~ ~~while they are securing~~ employment or child support. These immediate obligations may include a shelter or utility payment, a car repair to continue employment, or other ~~services that assistance which~~ will alleviate the applicant’s emergency financial need and allow the person to focus on obtaining or continuing employment.

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

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

(b) ~~Where possible,~~ Offering services, such as child care or transportation, ~~one-time help~~ as an alternative to welfare.

(c) Screening applicants to respond to emergency needs.

(d) ~~Offering a one-time payment of up to \$1,000 per family. Performing up front fraud prevention investigations, if appropriate.~~

(3) Before finding an applicant family eligible for up-front diversion ~~services funds,~~ the ~~regional workforce board~~ ~~department~~ must determine that all requirements of eligibility ~~for diversion services~~ would likely be met.

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

~~(5) The diversion payment shall be limited to an amount not to exceed 2 months’ temporary cash assistance, based on family size.~~

~~(5)(6)~~ The family receiving up-front diversion must sign an agreement restricting the family from applying for temporary cash assistance for 3 months, unless an emergency is demonstrated to the ~~regional workforce board~~ ~~department~~. If a demonstrated emergency forces the family to reapply for temporary cash assistance within 3 months after receiving a diversion payment, the diversion payment shall be prorated over an ~~8-month~~ ~~2-month~~ period and ~~deducted~~ ~~subtracted~~ from any ~~regular payment of temporary cash assistance for which the family is applicant may be eligible.~~

Section 18. Section 445.018, Florida Statutes, is created to read:

~~445.018~~ Diversion program to strengthen Florida’s families.—

(1) ~~The diversion program to strengthen families in this state is intended to provide services that assist families in avoiding welfare dependency by gaining and retaining employment.~~

(2) Before finding a family eligible for the diversion program created under this section, a determination must be made that:

(a) ~~The family includes a pregnant woman or a parent with one or more minor children or a caretaker relative with one or more minor children.~~

(b) ~~The family is at risk of welfare dependency because the family’s income does not exceed 200 percent of the federal poverty level.~~

(c) *The provision of services related to employment, including assessment, service planning and coordination, job placement, employment-related education or training, child care services, transportation services, relocation services, workplace employment support services, individual or family counseling, or a Retention Incentive Training Account (RITA), are likely to prevent the family from becoming dependent on welfare by enabling employable adults in the family to become employed, remain employed, or pursue career advancement.*

(3) *The services provided under this section are not considered assistance under federal law or guidelines.*

(4) *Each family that receives services under this section must sign an agreement not to apply for temporary cash assistance for 6 months following the receipt of services, unless an unanticipated emergency situation arises. If a family applies for temporary cash assistance without a documented emergency, the family must repay the value of the diversion services provided. Repayment may be prorated over 8 months and shall be paid through a reduction in the amount of any monthly temporary cash assistance payment received by the family.*

(5) *Notwithstanding any provision to the contrary, a family that meets the requirements of subsection (2) is considered a needy family and is eligible for services under this section.*

Section 19. Section 414.159, Florida Statutes, is transferred, renumbered as section 445.019, Florida Statutes, and amended to read:

~~445.019~~ ~~414.159~~ *Teen parent and pregnancy prevention diversion program; eligibility for services.—The Legislature recognizes that teen pregnancy is a major cause of dependency on government assistance that often extends through more than one generation. The purpose of the teen parent and pregnancy prevention diversion program is to provide services to reduce and avoid welfare dependency by reducing teen pregnancy, reducing the incidence of multiple pregnancies to teens, and by assisting teens in completing educational programs.*

(1) *Notwithstanding any provision to the contrary in ss. 414.075, 414.085, and 414.095, a teen who is determined to be at risk of teen pregnancy or who already has a child shall be deemed eligible to receive services under this program.*

(2) *Services provided under this program shall be limited to services that are not considered assistance under federal law or guidelines.*

(3) *Receipt of services under this section does shall not preclude eligibility for, or receipt of, other assistance or services under this chapter 414.*

Section 20. Section 445.020, Florida Statutes, is created to read:

~~445.020~~ *Diversion programs; determination of need.—If federal regulations require a determination of needy families or needy parents to be based on financial criteria, such as income or resources, for individuals or families who are receiving services, one-time payments, or nonrecurring short-term benefits, the Department of Children and Family Services shall adopt rules to define such criteria. In such rules, the department shall use the income level established for Temporary Assistance for Needy Families funds which are transferred for use under Title XX of the Social Security Act. If federal regulations do not require a financial determination for receipt of such benefits, payments, or services, the criteria otherwise established in this chapter shall be used.*

Section 21. Section 414.155, Florida Statutes, is transferred, renumbered as section 445.021, Florida Statutes, and amended to read:

~~445.021~~ ~~414.155~~ *Relocation assistance program.—*

(1) *The Legislature recognizes that the need for public assistance may arise because a family is located in an area with limited employment opportunities, because of geographic isolation, because of formidable transportation barriers, because of isolation from their extended family, or because domestic violence interferes with the ability of a parent to maintain self-sufficiency. Accordingly, there is established a program to assist families in relocating to communities with greater opportunities for self-sufficiency.*

(2) *The relocation assistance program shall involve five steps by the regional workforce board, in cooperation with the Department of Children and Family Services or a local WAGES coalition:*

(a) *A determination that the family is receiving temporary cash assistance as a WAGES Program participant or that all requirements of eligibility for diversion services the WAGES Program would likely be met.*

(b) *A determination that there is a basis for believing that relocation will contribute to the ability of the applicant to achieve self-sufficiency. For example, the applicant:*

1. *Is unlikely to achieve economic self-sufficiency independence at the current community of residence;*

2. *Has secured a job that provides an increased salary or improved benefits and that requires relocation to another community;*

3. *Has a family support network that will contribute to job retention in another community; or*

4. *Is determined, pursuant to criteria or procedures established by the WAGES Program State board of directors of Workforce Florida, Inc., to be a victim of domestic violence who would experience reduced probability of further incidents through relocation; or*

5. *Must relocate in order to receive education or training that is directly related to the applicant's employment or career advancement.*

(c) *Establishment of a relocation plan that which includes such requirements as are necessary to prevent abuse of the benefit and provisions to protect the safety of victims of domestic violence and avoid provisions that place them in anticipated danger. The payment to defray relocation expenses shall be determined based on criteria a rule approved by the WAGES Program State board of directors of Workforce Florida, Inc. and adopted by the department. Participants in the relocation program shall be eligible for diversion or transitional benefits.*

(d) *A determination, pursuant to criteria adopted by the WAGES Program State board of directors of Workforce Florida, Inc., that a Florida community receiving a relocated family has the capacity to provide needed services and employment opportunities.*

(e) *Monitoring the relocation.*

(3) *A family receiving relocation assistance for reasons other than domestic violence must sign an agreement restricting the family from applying for temporary cash assistance for a period of 6 months specified in a rule approved by the WAGES Program State Board of Directors and adopted by the department, unless an emergency is demonstrated to the regional workforce board department. If a demonstrated emergency forces the family to reapply for temporary cash assistance within such period, after receiving a relocation assistance payment, repayment must be made on a prorated basis and subtracted from any regular payment of temporary cash assistance for which the applicant may be eligible, as specified in a rule approved by the WAGES Program State Board of Directors and adopted by the department.*

~~(4) The department shall have authority to adopt rules pursuant to the Administrative Procedure Act to determine that a community has the capacity to provide services and employment opportunities for a relocated family.~~

~~(4)(5) The board of directors of Workforce Florida, Inc., may establish criteria for developing and implementing department shall have authority to adopt rules pursuant to the Administrative Procedure Act to develop and implement relocation plans and for drafting agreements to restrict to draft an agreement restricting a family from applying for temporary cash assistance for a specified period after receiving a relocation assistance payment.~~

Section 22. Section 414.223, Florida Statutes, is transferred, renumbered as section 445.022, Florida Statutes, and amended to read:

~~445.022~~ ~~414.223~~ *Retention Incentive Training Accounts.—To promote job retention and to enable upward job advancement into higher skilled, higher paying employment, the WAGES Program State board of directors of Workforce Florida, Inc., and the Workforce Development Board, regional workforce development boards, and local WAGES coalitions may jointly assemble, from postsecondary education institutions, a list of programs and courses for WAGES participants who have become employed which promote job retention and advancement.*

(1) The ~~WAGES Program State board of directors of Workforce Florida, Inc., and the Workforce Development Board~~ may jointly establish Retention Incentive Training Accounts (RITAs). RITAs shall utilize Temporary Assistance to Needy Families (TANF) block grant funds specifically appropriated for this purpose. RITAs must complement the Individual Training Account required by the federal Workforce Investment Act of 1998, Pub. L. No. 105-220.

(2) RITAs may pay for tuition, fees, educational materials, coaching and mentoring, performance incentives, transportation to and from courses, child care costs during education courses, and other such costs as the regional workforce development boards determine are necessary to effect successful job retention and advancement.

(3) Regional workforce development boards shall retain only those courses that continue to meet their performance standards as established in their local plan.

(4) Regional workforce development boards shall report annually to the Legislature on the measurable retention and advancement success of each program provider and the effectiveness of RITAs, making recommendations for any needed changes or modifications.

Section 23. Section 414.18, Florida Statutes, is transferred, renumbered as section 445.023, Florida Statutes, and amended to read:

**445.023 414.18** Program for dependent care for families with children with special needs.—

(1) There is created the program for dependent care for families with children with special needs. This program is intended to provide assistance to families with children who meet the following requirements:

(a) The child or children are between the ages of 13 and 17 years, inclusive.

(b) The child or children are considered to be children with special needs as defined by the subsidized child care program authorized under s. 402.3015.

(c) The family meets the income guidelines established under s. 402.3015. Financial eligibility for this program shall be based solely on the guidelines used for subsidized child care, notwithstanding any financial eligibility criteria to the contrary in s. 414.075, s. 414.085, or s. 414.095.

(2) Implementation of this program shall be subject to appropriation of funds for this purpose.

(3) If federal funds under the Temporary Assistance for Needy Families block grant provided under Title IV-A of the Social Security Act, as amended, are used for this program, the family must be informed about the federal requirements on receipt of such assistance and must sign a written statement acknowledging, and agreeing to comply with, all federal requirements.

(4) In addition to child care services provided under s. 402.3015, dependent care may be provided for children age 13 years and older who are in need of care due to disability and where such care is needed for the parent to accept or continue employment or otherwise participate in work activities. The amount of subsidy shall be consistent with the rates for special needs child care established by the department. Dependent care needed for employment may be provided as transitional services for up to 2 years after eligibility for temporary cash WAGES assistance ends.

(5) Notwithstanding any provision of s. 414.105 to the contrary, the time limitation on receipt of assistance under this section shall be the limit established pursuant to s. 408(a)(7) of the Social Security Act, as amended, 42 U.S.C. s. 608(a)(7).

Section 24. Section 445.024, Florida Statutes, is created to read:

**445.024** Work requirements.—

(1) **WORK ACTIVITIES.**—The following activities may be used individually or in combination to satisfy the work requirements for a participant in the temporary cash assistance program:

(a) *Unsubsidized employment.*—Unsubsidized employment is full-time employment or part-time employment that is not directly supplemented by federal or state funds. Paid apprenticeship and cooperative education activities are included in this activity.

(b) *Subsidized private sector employment.*—Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds. A subsidy may be provided in one or more of the forms listed in this paragraph.

1. *Work supplementation.*—A work supplementation subsidy diverts a participant's temporary cash assistance under the program to the employer. The employer must pay the participant wages that equal or exceed the applicable federal minimum wage. Work supplementation may not exceed 6 months. At the end of the supplementation period, the employer is expected to retain the participant as a regular employee without receiving a subsidy. A work supplementation agreement may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the period of work supplementation ends.

2. *On-the-job training.*—On-the-job training is full-time, paid employment in which the employer or an educational institution, in cooperation with the employer, provides training needed for the participant to perform the skills required for the position. The employer or the educational institution on behalf of the employer receives a subsidy to offset the cost of the training provided to the participant. Upon satisfactory completion of the training, the employer is expected to retain the participant as a regular employee without receiving a subsidy. An on-the-job training agreement may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the on-the-job training subsidy ends.

3. *Incentive payments.*—Regional workforce boards may provide additional incentive payments to encourage employers to employ program participants. Incentive payments may include payments to encourage the employment of hard-to-place participants, in which case the amount of the payment shall be weighted proportionally to the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. Incentive payments may also include payments to encourage employers to provide health care insurance benefits to current or former program participants. In establishing incentive payments, regional workforce boards shall consider the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. A participant who has complied with program requirements and who is approaching the time limit for receiving temporary cash assistance may be defined as "hard to place." Incentive payments may include payments in which an initial payment is made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the employer retains the participant as a full-time employee for at least 12 months. An incentive agreement may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the incentive payments cease.

4. *Tax credits.*—An employer who employs a program participant may qualify for enterprise zone property tax credits under s. 220.182, the tax refund program for qualified target industry businesses under s. 288.106, or other federal or state tax benefits. The regional workforce board shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

5. *Training bonus.*—An employer who hires a participant in the welfare transition program and pays the participant a wage that precludes the participant's eligibility for temporary cash assistance may receive \$250 for each full month of employment for a period that may not exceed 3 months. An employer who receives a training bonus for an employee may not receive a work supplementation subsidy for the same employee. "Employment" is defined as 35 hours per week at a wage of no less than minimum wage.

(c) *Subsidized public sector employment.*—Subsidized public sector employment is employment by an agency of the federal, state, or local government which is directly supplemented by federal or state funds. The applicable subsidies provided under paragraph (b) may be used to subsidize employment in the public sector, except that priority for subsidized employment shall be employment in the private sector. Public sector employment is distinguished from work experience in that the participant

is paid wages and receives the same benefits as a nonsubsidized employee who performs similar work. Work-study activities administered by educational institutions are included in this activity.

(d) *Community service work experience.*—Community service work experience is job training experience at a supervised public or private not-for-profit agency. A participant shall receive temporary cash assistance in the form of wages, which, when combined with the value of food stamps awarded to the participant, is proportional to the amount of time worked. A participant in the welfare transition program or the Food Stamp Employment and Training program assigned to community service work experience shall be deemed an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program. Community service work experience may be selected as an activity for a participant who needs to increase employability by improving his or her interpersonal skills, job-retention skills, stress management, and job problem solving, and by learning to attain a balance between job and personal responsibilities. Community service is intended to:

1. Assess compliance with requirements of the welfare transition program before referral of the participant to costly services such as career education;
2. Maintain work activity status while the participant awaits placement into paid employment or training;
3. Fulfill a clinical practicum or internship requirement related to employment; or
4. Provide work-based mentoring.

As used in this paragraph, the terms "community service experience," "community work," and "workfare" are synonymous.

(e) *Work experience.*—Work experience is an appropriate work activity for participants who lack preparation for or experience in the workforce. It must combine a job training activity in a public or private not-for-profit agency with education and training related to an employment goal. To qualify as a work activity, work experience must include education and training in addition to the time required by the work activity, and the work activity must be intensively supervised and structured. Regional workforce boards shall contract for any services provided for clients who are assigned to this activity and shall require performance benchmarks, goals, outcomes, and time limits designed to assure that the participant moves toward full-time paid employment. A participant shall receive temporary cash assistance proportional to the time worked. A participant assigned to work experience is an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program.

(f) *Job search and job readiness assistance.*—Job search assistance may include supervised or unsupervised job-seeking activities. Job readiness assistance provides support for job-seeking activities, which may include:

1. Orientation to the world of work and basic job-seeking and job retention skills.
2. Instruction in completing an application for employment and writing a resume.
3. Instruction in conducting oneself during a job interview, including appropriate dress.
4. Instruction in how to retain a job, plan a career, and perform successfully in the workplace.

Job readiness assistance may also include providing a participant with access to an employment resource center that contains job listings, telephones, facsimile machines, typewriters, and word processors. Job search and job readiness activities may be used in conjunction with other program activities, such as work experience, but may not be the primary work activity for longer than the length of time permitted under federal law.

(g) *Vocational education or training.*—Vocational education or training is education or training designed to provide participants with the skills and certification necessary for employment in an occupational

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

1. Unless otherwise provided in this section, vocational education shall not be used as the primary program activity for a period which exceeds 12 months. The 12-month restriction applies to instruction in a career education program and does not include remediation of basic skills, including English language proficiency, if remediation is necessary to enable a participant to benefit from a career education program. Any necessary remediation must be completed before a participant is referred to vocational education as the primary work activity. In addition, use of vocational education or training shall be restricted to the limitation established in federal law. Vocational education included in a program leading to a high school diploma shall not be considered vocational education for purposes of this section.

2. When possible, a provider of vocational education or training shall use funds provided by funding sources other than the regional workforce board. The regional workforce board may provide additional funds to a vocational education or training provider only if payment is made pursuant to a performance-based contract. Under a performance-based contract, the provider may be partially paid when a participant completes education or training, but the majority of payment shall be made following the participant's employment at a specific wage or job retention for a specific duration. Performance-based payments made under this subparagraph are limited to education or training for targeted occupations identified by the Workforce Estimating Conference under s. 216.136, or other programs identified by Workforce Florida, Inc., as beneficial to meet the needs of designated groups who are hard to place. If the contract pays the full cost of training, the community college or school district may not report the participants for other state funding.

(h) *Job skills training.*—Job skills training includes customized training designed to meet the needs of a specific employer or a specific industry. Job skills training shall include literacy instruction, and may include English proficiency instruction or Spanish language or other language instruction if necessary to enable a participant to perform in a specific job or job training program or if the training enhances employment opportunities in the local community. A participant may be required to complete an entrance assessment or test before entering into job skills training.

(i) *Education services related to employment for participants 19 years of age or younger.*—Education services provided under this paragraph are designed to prepare a participant for employment in an occupation. The agency shall coordinate education services with the school-to-work activities provided under s. 229.595. Activities provided under this paragraph are restricted to participants 19 years of age or younger who have not completed high school or obtained a high school equivalency diploma.

(j) *School attendance.*—Attendance at a high school or attendance at a program designed to prepare the participant to receive a high school equivalency diploma is a required program activity for each participant 19 years of age or younger who:

1. Has not completed high school or obtained a high school equivalency diploma;
2. Is a dependent child or a head of household; and
3. For whom it has not been determined that another program activity is more appropriate.

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

(l) *Extended education and training.*—Notwithstanding any other provisions of this section to the contrary, the board of directors of Workforce Florida, Inc., may approve a plan by a regional workforce board for

assigning, as work requirements, educational activities that exceed or are not included in those provided elsewhere in this section and that do not comply with federal work participation requirement limitations. In order to be eligible to implement this provision, a regional workforce board must continue to exceed the overall federal work participation rate requirements. For purposes of this paragraph, the board of directors of Workforce Florida, Inc., may adjust the regional participation requirement based on regional caseload decline. However, this adjustment is limited to no more than the adjustment produced by the calculation used to generate federal adjustments to the participation requirement due to caseload decline.

(m) *GED preparation and literacy education.*—Satisfactory attendance at secondary school or in a course of study leading to a graduate equivalency diploma, if a participant has not completed secondary school or received such a diploma. English language proficiency training may be included as a part of the education if it is deemed the individual requires such training to complete secondary school or to attain a graduate equivalency diploma. To calculate countable hours attributable to education, a participant may earn study credits equal to the number of actual hours spent in formal training per week, but the total number of hours earned for actual hours spent in formal training and studying may not exceed a one to one and one-half ratio for the week. Countable hours are subject to the restrictions contained in 45 C.F.R. s. 261.31.

(n) *Providing child care services.*—Providing child care services to an individual who is participating in a community service program pursuant to this section.

(2) *WORK ACTIVITY REQUIREMENTS.*—Each individual who is not otherwise exempt must participate in a work activity, except for community service work experience, for the maximum number of hours allowable under federal law, provided that no participant be required to work more than 40 hours per week or less than the minimum number of hours required by federal law. The maximum number of hours each month that a participant may be required to participate in community service activities is the greater of: the number of hours that would result from dividing the family's monthly amount for temporary cash assistance and food stamps by the federal minimum wage and then dividing that result by the number of participants in the family who participate in community service activities, or the minimum required to meet federal participation requirements. However, in no case shall the maximum hours required per week for community work experience exceed 40 hours. An applicant shall be referred for employment at the time of application if the applicant is eligible to participate in the welfare transition program.

(a) A participant in a work activity may also be required to enroll in and attend a course of instruction designed to increase literacy skills to a level necessary for obtaining or retaining employment, provided that the instruction plus the work activity does not require more than 40 hours per week.

(b) Program funds may be used, as available, to support the efforts of a participant who meets the work activity requirements and who wishes to enroll in or continue enrollment in an adult general education program or a career education program.

(3) *EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.*—The following individuals are exempt from work activity requirements:

- (a) A minor child under 16 years of age.
- (b) An individual who receives benefits under the Supplemental Security Income program or the Social Security Disability Insurance program.
- (c) Adults who are not included in the calculation of temporary cash assistance in child-only cases.
- (d) One custodial parent with a child under 3 months of age, except that the parent may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child. If the custodial parent is 19 years of age or younger and has not completed high school or the equivalent, he or she may be required to attend school or other appropriate educational activities.
- (e) An individual who is exempt from the time period pursuant to s. 415.015.

(4) *PRIORITIZATION OF WORK REQUIREMENTS.*—Regional workforce boards shall require participation in work activities to the maximum extent possible, subject to federal and state funding. If funds are projected to be insufficient to allow full-time work activities by all program participants who are required to participate in work activities, regional workforce boards shall screen participants and assign priority based on the following:

- (a) In accordance with federal requirements, at least one adult in each two-parent family shall be assigned priority for full-time work activities.
- (b) Among single-parent families, a family that has older preschool children or school-age children shall be assigned priority for work activities.
- (c) A participant who has access to nonsubsidized child care may be assigned priority for work activities.
- (d) Priority may be assigned based on the amount of time remaining until the participant reaches the applicable time limit for program participation or may be based on requirements of a case plan.

Regional workforce boards may limit a participant's weekly work requirement to the minimum required to meet federal work activity requirements in lieu of the level defined in subsection (2). Regional workforce boards may develop screening and prioritization procedures based on the allocation of resources, the availability of community resources, or the work activity needs of the service district.

(5) *USE OF CONTRACTS.*—Regional workforce boards shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

- (a) A contract must be performance-based. Payment shall be tied to performance outcomes that include factors such as, but not limited to, diversion from cash assistance, job entry, job entry at a target wage, job retention, and connection to transition services rather than tied to completion of training or education or any other phase of the program participation process.
- (b) A contract may include performance-based incentive payments that may vary according to the extent to which the participant is more difficult to place. Contract payments may be weighted proportionally to reflect the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. The factors may include the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other factors determined appropriate by the regional workforce board.
- (c) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(3)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the regional workforce board.
- (d) Regional workforce boards may contract with commercial, charitable, or religious organizations. A contract must comply with federal requirements with respect to nondiscrimination and other requirements that safeguard the rights of participants. Services may be provided under contract, certificate, voucher, or other form of disbursement.
- (e) The administrative costs associated with a contract for services provided under this section may not exceed the applicable administrative cost ceiling established in federal law. An agency or entity that is awarded a contract under this section may not charge more than 7 percent of the value of the contract for administration, unless an exception is approved by the regional workforce board. A list of any exceptions approved must be submitted to the board of directors of Workforce Florida, Inc., for review, and the board may rescind approval of the exception.
- (f) Regional workforce boards may enter into contracts to provide short-term work experience for the chronically unemployed as provided in this section.
- (g) A tax-exempt organization under s. 501(c) of the Internal Revenue Code of 1986 which receives funds under this chapter must disclose receipt of federal funds on any advertising, promotional, or other material in accordance with federal requirements.

(6) *PROTECTIONS FOR PARTICIPANTS.*—Each participant is subject to the same health, safety, and nondiscrimination standards established under federal, state, or local laws that otherwise apply to other individuals engaged in similar activities who are not participants in the welfare transition program.

(7) *PROTECTION FOR CURRENT EMPLOYEES.*—In establishing and contracting for work experience and community service activities, other work experience activities, on-the-job training, subsidized employment, and work supplementation under the welfare transition program, an employed worker may not be displaced, either completely or partially. A participant may not be assigned to an activity or employed in a position if the employer has created the vacancy or terminated an existing employee without good cause in order to fill that position with a program participant.

(8) *CONTRACTS FOR VOCATIONAL ASSESSMENTS AND WORK EVALUATIONS.*—Vocational assessments or work evaluations by the Occupational Access and Opportunity Commission pursuant to this section shall be performed under contract with the regional workforce boards.

Section 25. Section 414.20, Florida Statutes, is transferred, renumbered as section 445.025, Florida Statutes, and amended to read:

~~445.025~~ ~~414.20~~ Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. ~~445.024~~ ~~414.065~~. If resources do not permit the provision of needed support services, the regional workforce board ~~department and the local WAGES coalition~~ may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary cash assistance or the provision of services under this chapter ~~414~~. Support services shall include, but need not be limited to:

(1) *TRANSPORTATION.*—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. Transportation services may include, but are not limited to, cooperative arrangements with the following: public transit providers; community transportation coordinators designated under chapter 427; school districts; churches and community centers; donated motor vehicle programs, van pools, and ridesharing programs; small enterprise developments and entrepreneurial programs that encourage ~~WAGES~~ participants to become transportation providers; public and private transportation partnerships; and other innovative strategies to expand transportation options available to program participants.

(a) *Regional workforce boards may* ~~Local WAGES coalitions are authorized to~~ provide payment for vehicle operational and repair expenses, including repair expenditures necessary to make a vehicle functional; vehicle registration fees; driver's license fees; and liability insurance for the vehicle for a period of up to 6 months. Request for vehicle repairs must be accompanied by an estimate of the cost prepared by a repair facility registered under s. 559.904.

(b) Transportation disadvantaged funds as defined in chapter 427 do not include ~~WAGES~~ support services funds or funds appropriated to assist persons eligible under the Job Training Partnership Act. It is the intent of the Legislature that ~~local WAGES coalitions and regional workforce development~~ boards consult with local community transportation coordinators designated under chapter 427 regarding the availability and cost of transportation services through the coordinated transportation system prior to contracting for comparable transportation services outside the coordinated system.

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

(3) *MEDICAL SERVICES.*—A family that meets the eligibility requirements for Medicaid shall receive medical services under the Medicaid program.

(4) *PERSONAL AND FAMILY COUNSELING AND THERAPY.*—Counseling may be provided to participants who have a personal or family problem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, ~~regional workforce boards the department and local WAGES coalitions~~ shall use services that are available in the community at no additional cost. If these services are not available, ~~regional workforce boards the department and local WAGES coalitions~~ may use support services funds. Personal or family counseling not available through Medicaid may not be considered a medical service for purposes of the required statewide implementation plan or use of federal funds.

Section 26. Section 414.1525, Florida Statutes, is transferred, renumbered as section 445.026, Florida Statutes, and amended to read:

~~445.026~~ ~~414.1525~~ Cash assistance severance benefit ~~WAGES early exit diversion program.~~—An individual who meets the criteria listed in this section may choose to receive a lump-sum payment in lieu of ongoing cash assistance payments, provided the individual:

(1) Is employed and is receiving earnings, ~~and would be eligible to receive cash assistance in an amount less than \$100 per month given the WAGES earnings disregard.~~

(2) Has received cash assistance for at least ~~6~~ 3 consecutive months.

(3) Expects to remain employed for at least 6 months.

(4) Chooses to receive a one-time, lump-sum payment in lieu of ongoing monthly payments.

(5) Provides employment and earnings information to the regional workforce board ~~department~~, so that the regional workforce board ~~department~~ can ensure that the family's eligibility for ~~severance transitional~~ benefits can be evaluated.

(6) Signs an agreement not to apply for or accept cash assistance for 6 months after receipt of the one-time payment. In the event of an emergency, such agreement shall provide for an exception to this restriction, provided that the one-time payment shall be deducted from any cash assistance for which the family subsequently is approved. This deduction may be prorated over an 8-month period. The ~~board of directors of Workforce Florida, Inc., department~~ shall adopt ~~criteria rules~~ defining the conditions under which a family may receive cash assistance due to such emergency.

Such individual may choose to accept a one-time, lump-sum payment of \$1,000 in lieu of receiving ongoing cash assistance. Such payment shall only count toward the time limitation for the month in which the payment is made in lieu of cash assistance. A participant choosing to accept such payment shall be terminated from cash assistance. However, eligibility for Medicaid, food stamps, or child care shall continue, subject to the eligibility requirements of those programs.

Section 27. Section 445.028, Florida Statutes, is created to read:

*445.028 Transitional benefits and services.*—In cooperation with Workforce Florida, Inc., the Department of Children and Family Services shall develop procedures to ensure that families leaving the temporary cash assistance program receive transitional benefits and services that will assist the family in moving toward self-sufficiency. At a minimum, such procedures must include, but are not limited to, the following:

(1) Each recipient of cash assistance who is determined ineligible for cash assistance for a reason other than a work activity sanction shall be contacted by the workforce system case manager and provided information about the availability of transitional benefits and services. Such contact shall be attempted prior to closure of the case management file.

(2) Each recipient of temporary cash assistance who is determined ineligible for cash assistance due to noncompliance with the work activity requirements shall be contacted and provided information in accordance with s. 414.065(1).

(3) The department, in consultation with the board of directors of Workforce Florida, Inc., shall develop informational material, including posters and brochures, to better inform families about the availability of transitional benefits and services.

(4) *Workforce Florida, Inc., in cooperation with the Department of Children and Family Services shall, to the extent permitted by federal law, develop procedures to maximize the utilization of transitional Medicaid by families who leave the temporary cash assistance program.*

Section 28. Section 414.21, Florida Statutes, is transferred, renumbered as section 445.029, Florida Statutes, and amended to read:

~~445.029~~ ~~414.21~~ Transitional medical benefits.—

(1) A family that loses its temporary cash assistance due to earnings shall remain eligible for Medicaid without reapplication during the immediately succeeding 12-month period if private medical insurance is unavailable from the employer or is unaffordable.

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

(b) The family shall be denied Medicaid if, during the second 6 months of the 12-month period, the family's average gross monthly earnings during the preceding month exceed 185 percent of the federal poverty level.

(2) The family shall be informed of transitional Medicaid when the family is notified by the Department of Children and Family Services of the termination of temporary cash assistance. The notice must include a description of the circumstances in which the transitional Medicaid may be terminated.

Section 29. Section 414.22, Florida Statutes, is transferred, renumbered as section 445.030, Florida Statutes, and amended to read:

~~445.030~~ ~~414.22~~ Transitional education and training.—In order to assist ~~current and former recipients of temporary cash assistance participants~~ who are working or actively seeking employment in continuing their training and upgrading their skills, education, or training, support services may be provided to a participant for up to 2 years after the family participant is no longer receiving temporary cash assistance in the program. This section does not constitute an entitlement to transitional education and training. If funds are not sufficient to provide services under this section, the WAGES Program State board of directors of *Workforce Florida, Inc.*, may limit or otherwise prioritize transitional education and training.

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

(2) ~~Regional workforce boards~~ The local WAGES coalition may authorize child care or other support services in addition to services provided in conjunction with employment. For example, a participant who is employed full time may receive subsidized child care related to that employment and may also receive additional subsidized child care in conjunction with training to upgrade the participant's skills.

(3) Transitional education or training must be job-related, but may include training to improve job skills in a participant's existing area of employment or may include training to prepare a participant for employment in another occupation.

(4) A regional workforce board ~~local WAGES coalition~~ may enter into an agreement with an employer to share the costs relating to upgrading the skills of participants hired by the employer. For example, a regional workforce board ~~local WAGES coalition~~ may agree to provide support services such as transportation or a wage subsidy in conjunction with training opportunities provided by the employer.

Section 30. Section 414.225, Florida Statutes, is transferred, renumbered as section 445.031, Florida Statutes, and amended to read:

~~445.031~~ ~~414.225~~ Transitional transportation.—In order to assist former recipients of temporary cash assistance ~~WAGES participants~~ in maintaining and sustaining employment or educational opportunities, transportation may be provided, if funds are available, for up to 2 years ~~1-year~~ after the participant is no longer in the program. This does not constitute an entitlement to transitional transportation. If funds are not sufficient to provide services under this section, regional workforce boards ~~the department~~ may limit or otherwise prioritize transportation services.

(1) Transitional transportation must be job or education related.

(2) Transitional transportation may include expenses identified in s. ~~445.025 s. 414.20~~, paid directly or by voucher, as well as a vehicle valued at not more than \$8,500 if the vehicle is needed for training, employment, or educational purposes.

Section 31. Section 445.032, Florida Statutes, is created to read:

~~445.032~~ Transitional child care.—In order to assist former welfare transition program participants and individuals who have been redirected through up-front diversion, transitional child care is available for up to 2 years:

(1) After a participant has left the program due to employment and whose income does not exceed 200 percent of the federal poverty level at any time during that 2-year period.

(2) To an individual who has been redirected through up-front diversion and whose income does not exceed 200 percent of the federal poverty level at any time during that 2-year period.

Section 32. Section 414.23, Florida Statutes, is transferred, renumbered as section 445.033, Florida Statutes, and amended to read:

~~445.033~~ ~~414.23~~ Evaluation.—The department and the WAGES Program State board of directors of *Workforce Florida, Inc.*, and the Department of Children and Family Services shall arrange for evaluation of TANF-funded programs operated under this chapter, as follows:

(1) If required by federal waivers or other federal requirements, the department and the WAGES Program State board of directors of *Workforce Florida, Inc.*, and the department may provide for evaluation according to these requirements.

(2) The department and the WAGES Program State board of directors of *Workforce Florida, Inc.*, and the department shall participate in the evaluation of this program in conjunction with evaluation of the state's workforce development programs or similar activities aimed at evaluating program outcomes, cost-effectiveness, or return on investment, and the impact of time limits, sanctions, and other welfare reform measures set out in this chapter. Evaluation shall also contain information on the number of participants in work experience assignments who obtain unsubsidized employment, including, but not limited to, the length of time the unsubsidized job is retained, wages, and the public benefits, if any, received by such families while in unsubsidized employment. The evaluation shall solicit the input of consumers, community-based organizations, service providers, employers, and the general public, and shall publicize, especially in low-income communities, the process for submitting comments.

(3) The department and the WAGES Program State board of directors of *Workforce Florida, Inc.*, and the department may share information with and develop protocols for information exchange with the Florida Education and Training Placement Information Program.

(4) The department and the WAGES Program State board of directors of *Workforce Florida, Inc.*, and the department may initiate or participate in additional evaluation or assessment activities that will further the systematic study of issues related to program goals and outcomes.

(5) In providing for evaluation activities, the department and the WAGES Program State board of directors of *Workforce Florida, Inc.*, and the department shall safeguard the use or disclosure of information obtained from program participants consistent with federal or state requirements. ~~The department and the WAGES Program State Board of Directors may use~~ Evaluation methodologies may be used which that are appropriate for evaluation of program activities, including random assignment of recipients or participants into program groups or control groups. To the extent necessary or appropriate, evaluation data shall provide information with respect to the state, district, or county, or other substate area.

(6) The department and the WAGES Program State board of directors of *Workforce Florida, Inc.*, and the department may contract with a qualified organization for evaluations conducted under this section.

(7) Evaluations described in this section are exempt from the provisions of s. 381.85.

Section 33. Section 445.034, Florida Statutes, is created to read:

*445.034 Authorized expenditures.—Any expenditures from the Temporary Assistance for Needy Families block grant shall be made in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Prior to any expenditure of such funds, the Secretary of Children and Family Services, or his or her designee, shall certify that controls are in place to ensure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.*

Section 34. Section 414.44, Florida Statutes, is transferred, renumbered as section 445.035, Florida Statutes, and amended to read:

*445.035 414.44 Data collection and reporting.—The Department of Children and Family Services department and the WAGES Program State board of directors of Workforce Florida, Inc., shall collect data necessary to administer this chapter and make the reports required under federal law to the United States Department of Health and Human Services and the United States Department of Agriculture.*

Section 35. Section 414.025, Florida Statutes, is amended to read:

414.025 Legislative intent.—

(1) It is the intent of the Legislature that families in this state be strong and economically self-sufficient so as to require minimal involvement by an efficient government.

~~(2) The purpose of this act is to develop opportunities for families which provide for their needs, enhance their well being, and preserve the integrity of the family free of impediments to self reliance.~~

~~(3) The WAGES Program shall emphasize work, self-sufficiency, and personal responsibility while meeting the transitional needs of program participants who need short-term assistance toward achieving independent, productive lives and gaining the responsibility that comes with self-sufficiency.~~

~~(4) The WAGES Program shall take full advantage of the flexibility provided under federal law, which allows for efficiency through a simplified program and encourages a program designed to focus on results rather than process.~~

~~(2)(5) This chapter does not entitle any individual or family to assistance under the WAGES Program or Title IV-A of the Social Security Act, as amended.~~

Section 36. Section 414.0252, Florida Statutes, is amended to read:

414.0252 Definitions.—As used in ss. 414.025-414.55 ss. 414.015-414.45, the term:

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

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

(3) “Department” means the Department of Children and Family Services.

(4) “Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense that results in the physical injury or death of one family or household member by another.

(5) “Family” means the assistance group or the individuals whose needs, resources, and income are considered when determining eligibility for temporary assistance. The family for purposes of temporary assistance includes the minor child, custodial parent, or caretaker relative who resides in the same house or living unit. The family may also include individuals whose income and resources are considered in whole or in part in determining eligibility for temporary assistance but whose needs, due to federal or state restrictions, are not considered. These

individuals include, but are not limited to, ineligible noncitizens or sanctioned individuals.

(6) “Family or household member” means spouses, former spouses, noncohabitating partners, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

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

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

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

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

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

(9) “Participant” means an individual who has applied for or receives temporary cash assistance or services under the WAGES Program.

(10) “Public assistance” means benefits paid on the basis of the temporary cash assistance, food stamp, Medicaid, or optional state supplementation program.

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

~~(12) “Services and one-time payments” or “services,” when used in reference to individuals who are not receiving temporary cash assistance, means nonrecurrent, short-term benefits designed to deal with a specific crisis situation or episode of need and other services; work subsidies; supportive services such as child care and transportation; services such as counseling, case management, peer support, and child care information and referral; transitional services, job retention, job advancement, and other employment-related services; nonmedical treatment for substance abuse or mental health problems; and any other services that are reasonably calculated to further the purposes of the WAGES Program and the federal Temporary Assistance for Needy Families program. Such terms do not include assistance as defined in federal regulations at 45 C.F.R. s. 260.31(a).~~

~~(12)(13) “Temporary cash assistance” means cash assistance provided under the state program certified under Title IV-A of the Social Security Act, as amended.~~

Section 37. Section 414.045, Florida Statutes, is amended to read:

414.045 Cash assistance program.—Cash assistance families include any families receiving cash assistance payments from the state program for temporary assistance for needy families as defined in federal law, whether such funds are from federal funds, state funds, or commingled federal and state funds. Cash assistance families may also include families receiving cash assistance through a program defined as a separate state program.

(1) For reporting purposes, families receiving cash assistance shall be grouped in the following categories. The department may develop additional groupings in order to comply with federal reporting requirements, to comply with the data-reporting needs of the WAGES Program State board of directors of Workforce Florida, Inc., or to better inform the public of program progress. Program reporting data shall include, but not necessarily be limited to, the following groupings:

(a) *Work-eligible WAGES cases.*—*Work-eligible WAGES cases shall include:*

1. Families containing an adult or a teen head of household, as defined by federal law. These cases are generally subject to the work activity requirements provided in *s. 445.024 s. 414.065* and the time limitations on benefits provided in *s. 414.105*.

2. Families with a parent where the parent's needs have been removed from the case due to sanction or disqualification shall be considered *work-eligible* WAGES cases to the extent that such cases are considered in the calculation of federal participation rates or would be counted in such calculation in future months.

3. Families participating in transition assistance programs.

4. Families otherwise eligible for *temporary cash assistance* the WAGES Program that receive a diversion services, a severance or early exit payment, or participate in the relocation program.

(b) Child-only cases.—Child-only cases include cases that do not have an adult or teen head of household as defined in federal law. Such cases include:

1. Child-only families with children in the care of caretaker relatives where the caretaker relatives choose to have their needs excluded in the calculation of the amount of cash assistance.

2. Families in the Relative Caregiver Program as provided in *s. 39.5085*.

3. Families in which the only parent in a single-parent family or both parents in a two-parent family receive supplemental security income (SSI) benefits under Title XVI of the Social Security Act, as amended. To the extent permitted by federal law, individuals receiving SSI shall be excluded as household members in determining the amount of cash assistance, and such cases shall not be considered families containing an adult. Parents or caretaker relatives who are excluded from the cash assistance group due to receipt of SSI may choose to participate in WAGES work activities. An individual who volunteers to participate in WAGES work activity but whose ability to participate in work activities is limited shall be assigned to work activities consistent with such limitations. An individual who volunteers to participate in a WAGES work activity may receive WAGES-related child care or support services consistent with such participation.

4. Families where the only parent in a single-parent family or both parents in a two-parent family are not eligible for cash assistance due to immigration status or other requirements of federal law. To the extent required by federal law, such cases shall not be considered families containing an adult.

Families described in subparagraph 1., subparagraph 2., or subparagraph 3. may receive child care assistance or other supports or services so that the children may continue to be cared for in their own homes or the homes of relatives. Such assistance or services may be funded from the temporary assistance for needy families block grant to the extent permitted under federal law and to the extent permitted by appropriation of funds.

(2) The Oversight by of the WAGES Program State board of directors of *Workforce Florida, Inc.*, and the service delivery and financial planning responsibilities of the *regional workforce boards* local WAGES coalitions shall apply to the families defined as *work-eligible* WAGES cases in paragraph (1)(a). The department shall be responsible for program administration related to families in groups defined in paragraph (1)(b), and the department shall coordinate such administration with the WAGES Program State board of directors of *Workforce Florida, Inc.*, to the extent needed for operation of the program.

Section 38. Section 414.065, Florida Statutes, is amended to read:

414.065 *Noncompliance with work requirements.*—

(1) ~~WORK ACTIVITIES.~~—The following activities may be used individually or in combination to satisfy the work requirements for a participant in the WAGES Program:

(a) ~~Unsubsidized employment.~~—Unsubsidized employment is full-time employment or part-time employment that is not directly supplemented by federal or state funds. Paid apprenticeship and cooperative education activities are included in this activity.

(b) ~~Subsidized private sector employment.~~—Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds. A subsidy may be provided in one or more of the forms listed in this paragraph:

1. ~~Work supplementation.~~—A work supplementation subsidy diverts a participant's temporary cash assistance under the program to the employer. The employer must pay the participant wages that equal or exceed the applicable federal minimum wage. Work supplementation may not exceed 6 months. At the end of the supplementation period, the employer is expected to retain the participant as a regular employee without receiving a subsidy. A work supplementation agreement may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the period of work supplementation ends.

2. ~~On-the-job training.~~—On-the-job training is full-time, paid employment in which the employer or an educational institution in cooperation with the employer provides training needed for the participant to perform the skills required for the position. The employer or the educational institution on behalf of the employer receives a subsidy to offset the cost of the training provided to the participant. Upon satisfactory completion of the training, the employer is expected to retain the participant as a regular employee without receiving a subsidy. An on-the-job training agreement may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the on-the-job training subsidy ends.

3. ~~Incentive payments.~~—The department and local WAGES coalitions may provide additional incentive payments to encourage employers to employ program participants. Incentive payments may include payments to encourage the employment of hard-to-place participants, in which case the amount of the payment shall be weighted proportionally to the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department and local WAGES coalitions shall consider the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. A participant who has complied with program requirements and who is approaching the time limit for receiving temporary cash assistance may be defined as "hard-to-place." Incentive payments may include payments in which an initial payment is made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the employer retains the participant as a full-time employee for at least 12 months. An incentive agreement may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the incentive payments cease.

4. ~~Tax credits.~~—An employer who employs a program participant may qualify for enterprise zone property tax credits under *s. 220.182*, the tax refund program for qualified target industry businesses under *s. 288.106*, or other federal or state tax benefits. The department and the Department of Labor and Employment Security shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

5. ~~WAGES training bonus.~~—An employer who hires a WAGES participant who has less than 6 months of eligibility for temporary cash assistance remaining and who pays the participant a wage that precludes the participant's eligibility for temporary cash assistance may receive \$240 for each full month of employment for a period that may not exceed 3 months. An employer who receives a WAGES training bonus for an employee may not receive a work supplementation subsidy for the same employee. Employment is defined as 35 hours per week at a wage of no less than minimum wage.

(c) ~~Subsidized public sector employment.~~—Subsidized public sector employment is employment by an agency of the federal, state, or local government which is directly supplemented by federal or state funds. The applicable subsidies provided under paragraph (b) may be used to subsidize employment in the public sector, except that priority for subsidized employment shall be employment in the private sector. Public sector employment is distinguished from work experience in that the participant is paid wages and receives the same benefits as a nonsubsidized employee who performs similar work. Work study activities administered by educational institutions are included in this activity.

(d) Community service work experience.—Community service work experience is job training experience at a supervised public or private not-for-profit agency. A participant shall receive temporary cash assistance in the form of wages, which, when combined with the value of food stamps awarded to the participant, is proportional to the amount of time worked. A participant in the WAGES Program or the Food Stamp Employment and Training program assigned to community service work experience shall be deemed an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program. Community service work experience may be selected as an activity for a participant who needs to increase employability by improving his or her interpersonal skills, job retention skills, stress management, and job problem solving, and by learning to attain a balance between job and personal responsibilities. Community service is intended to:

- 1.—Assess WAGES Program compliance before referral of the participant to costly services such as career education;
- 2.—Maintain work activity status while the participant awaits placement into paid employment or training;
- 3.—Fulfill a clinical practicum or internship requirement related to employment; or
- 4.—Provide work-based mentoring.

As used in this paragraph, the terms "community service experience," "community work," and "workfare" are synonymous.

(e) Work experience.—Work experience is an appropriate work activity for participants who lack preparation for or experience in the workforce. It must combine a job training activity in a public or private not-for-profit agency with education and training related to an employment goal. To qualify as a work activity, work experience must include education and training in addition to the time required by the work activity, and the work activity must be intensively supervised and structured. The WAGES Program shall contract for any services provided for clients who are assigned to this activity and shall require performance benchmarks, goals, outcomes, and time limits designed to assure that the participant moves toward full-time paid employment. A participant shall receive temporary cash assistance proportional to the time worked. A participant assigned to work experience is an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program.

(f) Job search and job readiness assistance.—Job search assistance may include supervised or unsupervised job-seeking activities. Job readiness assistance provides support for job-seeking activities, which may include:

- 1.—Orientation to the world of work and basic job-seeking and job retention skills.
- 2.—Instruction in completing an application for employment and writing a resume.
- 3.—Instruction in conducting oneself during a job interview, including appropriate dress.
- 4.—Instruction in how to retain a job, plan a career, and perform successfully in the workplace.

Job readiness assistance may also include providing a participant with access to an employment resource center that contains job listings, telephones, facsimile machines, typewriters, and word processors. Job search and job readiness activities may be used in conjunction with other program activities, such as work experience, but may not be the primary work activity for longer than the length of time permitted under federal law.

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

the vocational education or training. Vocational education or training may be combined with other program activities and also may be used to upgrade skills or prepare for a higher paying occupational area for a participant who is employed.

1.—Unless otherwise provided in this section, vocational education shall not be used as the primary program activity for a period which exceeds 12 months. The 12-month restriction applies to instruction in a career education program and does not include remediation of basic skills, including English language proficiency, if remediation is necessary to enable a WAGES participant to benefit from a career education program. Any necessary remediation must be completed before a participant is referred to vocational education as the primary work activity. In addition, use of vocational education or training shall be restricted to the limitation established in federal law. Vocational education included in a program leading to a high school diploma shall not be considered vocational education for purposes of this section.

2.—When possible, a provider of vocational education or training shall use funds provided by funding sources other than the department or the local WAGES coalition. Either department may provide additional funds to a vocational education or training provider only if payment is made pursuant to a performance-based contract. Under a performance-based contract, the provider may be partially paid when a participant completes education or training, but the majority of payment shall be made following the participant's employment at a specific wage or job retention for a specific duration. Performance-based payments made under this subparagraph are limited to education or training for targeted occupations identified by the Occupational Forecasting Conference under s. 216.136, or other programs identified by the Workforce Development Board as beneficial to meet the needs of designated groups, such as WAGES participants, who are hard to place. If the contract pays the full cost of training, the community college or school district may not report the participants for other state funding, except that the college or school district may report WAGES clients for performance incentives or bonuses authorized for student enrollment, completion, and placement.

(h) Job skills training.—Job skills training includes customized training designed to meet the needs of a specific employer or a specific industry. Job skills training shall include literacy instruction, and may include English proficiency instruction or Spanish language or other language instruction if necessary to enable a participant to perform in a specific job or job training program or if the training enhances employment opportunities in the local community. A participant may be required to complete an entrance assessment or test before entering into job skills training.

(i) Education services related to employment for participants 19 years of age or younger.—Education services provided under this paragraph are designed to prepare a participant for employment in an occupation. The department shall coordinate education services with the school to work activities provided under s. 220.595. Activities provided under this paragraph are restricted to participants 19 years of age or younger who have not completed high school or obtained a high school equivalency diploma.

(j) School attendance.—Attendance at a high school or attendance at a program designed to prepare the participant to receive a high school equivalency diploma is a required program activity for each participant 19 years of age or younger who:

- 1.—Has not completed high school or obtained a high school equivalency diploma;
- 2.—Is a dependent child or a head of household; and
- 3.—For whom it has not been determined that another program activity is more appropriate.

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

(l) Extended education and training.—Notwithstanding any other provisions of this section to the contrary, the WAGES Program State Board of Directors may approve a plan by a local WAGES coalition for assigning, as work requirements, educational activities that exceed or are not included in those provided elsewhere in this section and that do

not comply with federal work participation requirement limitations. In order to be eligible to implement this provision, a coalition must continue to exceed the overall federal work participation rate requirements. For purposes of this paragraph, the WAGES Program State Board of Directors may adjust the regional participation requirement based on regional caseload decline. However, this adjustment is limited to no more than the adjustment produced by the calculation used to generate federal adjustments to the participation requirement due to caseload decline.

(2) ~~WORK ACTIVITY REQUIREMENTS.~~— Each individual who is not otherwise exempt must participate in a work activity, except for community service work experience, for the maximum number of hours allowable under federal law, provided that no participant be required to work more than 40 hours per week or less than the minimum number of hours required by federal law. The maximum number of hours each month that a participant may be required to participate in community service activities is the greater of: the number of hours that would result from dividing the family's monthly amount for temporary cash assistance and food stamps by the federal minimum wage and then dividing that result by the number of participants in the family who participate in community service activities; or the minimum required to meet federal participation requirements. However, in no case shall the maximum hours required per week for community work experience exceed 40 hours. An applicant shall be referred for employment at the time of application if the applicant is eligible to participate in the WAGES Program.

(a) A participant in a work activity may also be required to enroll in and attend a course of instruction designed to increase literacy skills to a level necessary for obtaining or retaining employment, provided that the instruction plus the work activity does not require more than 40 hours per week.

(b) WAGES Program funds may be used, as available, to support the efforts of a participant who meets the work activity requirements and who wishes to enroll in or continue enrollment in an adult general education program or a career education program.

(3) ~~EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.~~— The following individuals are exempt from work activity requirements:

(a) A minor child under age 16, except that a child exempted from this provision shall be subject to the requirements of paragraph (1)(i) and s. 414.125.

(b) An individual who receives benefits under the Supplemental Security Income program or the Social Security Disability Insurance program.

(c) Adults who are not included in the calculation of temporary cash assistance in child-only cases.

(d) One custodial parent with a child under 3 months of age, except that the parent may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child. If the custodial parent is age 19 or younger and has not completed high school or the equivalent, he or she may be required to attend school or other appropriate educational activities.

(1)(4) ~~PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.~~— The department shall establish procedures for administering penalties for nonparticipation in work requirements and failure to comply with the alternative requirement plan. If an individual in a family receiving temporary cash assistance fails to engage in work activities required in accordance with s. 445.024 this section, the following penalties shall apply. Prior to the imposition of a sanction, the participant shall be notified orally or in writing that the participant is subject to sanction and that action will be taken to impose the sanction unless the participant complies with the work activity requirements. The participant shall be counseled as to the consequences of noncompliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements. If the participant has good cause for noncompliance or demonstrates satisfactory compliance, the sanction shall not be imposed. If the participant has subsequently obtained employment, the participant shall be counseled regarding the transitional benefits that may be available and provided

information about how to access such benefits. Notwithstanding provisions of this section to the contrary, if the Federal Government does not allow food stamps to be treated under sanction as provided in this section, The department shall attempt to secure a waiver that provides for procedures as similar as possible to those provided in this section and shall administer sanctions related to food stamps consistent with federal regulations.

(a) 1. First noncompliance: temporary cash assistance shall be terminated for the family for a *minimum of 10 days* or until the individual who failed to comply does so, and food stamp benefits shall not be increased as a result of the loss of temporary cash assistance.

2. Second noncompliance: temporary cash assistance and food stamps shall be terminated for the family for *1 month* or until the individual who failed to comply does so, whichever is later demonstrates compliance in the required work activity for a period of 30 days. Upon meeting this requirement compliance, temporary cash assistance and food stamps shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.

3. Third noncompliance: temporary cash assistance and food stamps shall be terminated for the family for 3 months or until the individual who failed to comply does so, whichever is later. The individual shall be required to comply with the required demonstrate compliance in the work activity upon completion of the 3-month penalty period, before reinstatement of temporary cash assistance and food stamps. Upon meeting this requirement, temporary cash assistance shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.

(b) If a participant receiving temporary cash assistance who is otherwise exempted from noncompliance penalties fails to comply with the alternative requirement plan required in accordance with this section, the penalties provided in paragraph (a) shall apply.

If a participant fully complies with work activity requirements for at least 6 months, the participant shall be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.

(2)(5) ~~CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.~~—

(a) Upon the second or third occurrence of noncompliance, temporary cash assistance and food stamps for the child or children in a family who are under age 16 may be continued. Any such payments must be made through a protective payee or, in the case of food stamps, through an authorized representative. Under no circumstances shall temporary cash assistance or food stamps be paid to an individual who has failed to comply with program requirements.

(b) Protective payees shall be designated by the department and may include:

1. A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the assistance in the best interest of the child or children.

2. A member of the community affiliated with a religious, community, neighborhood, or charitable organization who agrees in writing to utilize the assistance in the best interest of the child or children.

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

(c) The protective payee designated by the department shall be the authorized representative for purposes of receiving food stamps on behalf of a child or children under age 16. The authorized representative must agree in writing to use the food stamps in the best interest of the child or children.

(d) If it is in the best interest of the child or children, as determined by the department, for the staff member of a private agency, a public agency, the department, or any other appropriate organization to serve as a protective payee or authorized representative, such designation may be made, except that a protective payee or authorized representative must not be any individual involved in determining eligibility for

temporary cash assistance or food stamps for the family, staff handling any fiscal processes related to issuance of temporary cash assistance or food stamps, or landlords, grocers, or vendors of goods, services, or items dealing directly with the participant.

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

(f) If the department is unable to designate a qualified protective payee or authorized representative, a referral shall be made under the provisions of chapter 39 for protective intervention.

~~(3)(6)~~ **PROPORTIONAL REDUCTION OF TEMPORARY CASH ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.**—Notwithstanding the provisions of subsection (1) (4), if an individual is receiving temporary cash assistance under a pay-after-performance arrangement and the individual participates, but fails to meet the full participation requirement, then the temporary cash assistance received shall be reduced and shall be proportional to the actual participation. Food stamps may be included in a pay-after-performance arrangement if permitted under federal law.

~~(4)(7)~~ **EXCEPTIONS TO NONCOMPLIANCE PENALTIES.**—Unless otherwise provided, the situations listed in this subsection shall constitute exceptions to the penalties for noncompliance with participation requirements, except that these situations do not constitute exceptions to the applicable time limit for receipt of temporary cash assistance:

(a) Noncompliance related to child care.—Temporary cash assistance may not be terminated for refusal to participate in work activities if the individual is a single custodial parent caring for a child who has not attained 6 years of age, and the adult proves to the *regional workforce board* ~~department~~ an inability to obtain needed child care for one or more of the following reasons, as defined in the *Child Care and Development Fund State Plan* required by part 98 of 45 C.F.R.:

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

(b) Noncompliance related to domestic violence.—An individual who is determined to be unable to comply with the work requirements because such compliance would make it probable that the individual would be unable to escape domestic violence shall be exempt from work requirements pursuant to s. 414.028(4)(g). However, the individual shall comply with a plan that specifies alternative requirements that prepare the individual for self-sufficiency while providing for the safety of the individual and the individual's dependents. A participant who is determined to be out of compliance with the alternative requirement plan shall be subject to the penalties under subsection (1) (4). An exception granted under this paragraph does not *automatically* constitute an *extension of exception* to the time limitations on benefits specified under s. 414.105.

(c) Noncompliance related to treatment or remediation of past effects of domestic violence.—An individual who is determined to be unable to comply with the work requirements under this section due to mental or physical impairment related to past incidents of domestic violence may be exempt from work requirements for a specified period pursuant to s. 414.028(4)(g), except that such individual shall comply with a plan that specifies alternative requirements that prepare the individual for self-sufficiency while providing for the safety of the individual and the individual's dependents. A participant who is determined to be out of compliance with the alternative requirement plan shall be subject to the penalties under subsection (1) (4). The plan must include counseling or a course of treatment necessary for the individual to resume participation. The need for treatment and the expected duration of such treatment must be verified by a physician licensed under chapter 458 or chapter 459; a psychologist licensed under s. 490.005(1), s. 490.006, or the provision identified as s. 490.013(2) in s. 1, chapter 81-235, Laws of Florida; a therapist as defined in s. 491.003(2) or (6); or a treatment professional who is registered under s. 39.905(1)(g) ~~s. 415.605(1)(g)~~, is authorized to

maintain confidentiality under s. 90.5036(1)(d), and has a minimum of 2 years experience at a certified domestic violence center. An exception granted under this paragraph does not *automatically* constitute an *extension of exception* from the time limitations on benefits specified under s. 414.105.

(d) Noncompliance related to medical incapacity.—If an individual cannot participate in assigned work activities due to a medical incapacity, the individual may be excepted from the activity for a specific period, except that the individual shall be required to comply with the course of treatment necessary for the individual to resume participation. A participant may not be excused from work activity requirements unless the participant's medical incapacity is verified by a physician licensed under chapter 458 or chapter 459, in accordance with procedures established by rule of the department. An individual for whom there is medical verification of limitation to participate in work activities shall be assigned to work activities consistent with such limitations. Evaluation of an individual's ability to participate in work activities or development of a plan for work activity assignment may include vocational assessment or work evaluation. The department or a *regional workforce board* ~~local WAGES coalition~~ may require an individual to cooperate in medical or vocational assessment necessary to evaluate the individual's ability to participate in a work activity.

(e) *Noncompliance related to outpatient mental health or substance abuse treatment.*—If an individual cannot participate in the required hours of work activity due to a need to become or remain involved in outpatient mental health or substance abuse counseling or treatment, the individual may be exempted from the work activity for up to 5 hours per week, not to exceed 100 hours per year. An individual may not be excused from a work activity unless a mental health or substance abuse professional recognized by the department or regional workforce board certifies the treatment protocol and provides verification of attendance at the counseling or treatment sessions each week.

~~(f)(e)~~ Noncompliance due to medical incapacity by applicants for Supplemental Security Income (SSI) or Social Security Disability Income (SSDI).—An individual subject to work activity requirements may be exempted from those requirements if the individual provides information verifying that he or she has filed an application for SSI disability benefits or SSDI disability benefits and the decision is pending development and evaluation under social security disability law, rules, and regulations at the initial reconsideration, administrative law judge, or Social Security Administration Appeals Council levels.

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

~~(5)(8)~~ **WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL PARENTS.**—

(a) The court may order a noncustodial parent who is delinquent in child support payments to participate in work activities under this chapter so that the parent may obtain employment and fulfill the obligation to provide support payments. A noncustodial parent who fails to satisfactorily engage in court-ordered work activities may be held in contempt.

(b) The court may order a noncustodial parent to participate in work activities under this chapter if the child of the noncustodial parent has been placed with a relative, in an emergency shelter, in foster care, or in other substitute care, and:

1. The case plan requires the noncustodial parent to participate in work activities; or
2. The noncustodial parent would be eligible to participate in *work activities* ~~the WAGES Program~~ and subject to work activity requirements if the child were living with the parent.

If a noncustodial parent fails to comply with the case plan, the noncustodial parent may be removed from program participation.

~~(9)~~ **PRIORITIZATION OF WORK REQUIREMENTS.**—The department and local WAGES coalitions shall require participation in work

activities to the maximum extent possible, subject to federal and state funding. If funds are projected to be insufficient to allow full-time work activities by all program participants who are required to participate in work activities, local WAGES coalitions shall screen participants and assign priority based on the following:

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

(b) Among single-parent families, a family that has older preschool children or school-age children shall be assigned priority for work activities.

(c) A participant who has access to nonsubsidized child care may be assigned priority for work activities.

(d) Priority may be assigned based on the amount of time remaining until the participant reaches the applicable time limit for program participation or may be based on requirements of a case plan.

Local WAGES coalitions may limit a participant's weekly work requirement to the minimum required to meet federal work activity requirements in lieu of the level defined in subsection (2). The department and local WAGES coalitions may develop screening and prioritization procedures within service districts or within counties based on the allocation of resources, the availability of community resources, or the work activity needs of the service district.

(10) ~~USE OF CONTRACTS.~~ The department and local WAGES coalitions shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(a) All education and training provided under the WAGES Program shall be provided through agreements with regional workforce development boards.

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

(c) A contract may include performance-based incentive payments that may vary according to the extent to which the participant is more difficult to place. Contract payments may be weighted proportionally to reflect the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. The factors may include the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other factors determined appropriate by the department.

(d) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(3)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the department.

(e) The department and the local WAGES coalitions may contract with commercial, charitable, or religious organizations. A contract must comply with federal requirements with respect to nondiscrimination and other requirements that safeguard the rights of participants. Services may be provided under contract, certificate, voucher, or other form of disbursement.

(f) The administrative costs associated with a contract for services provided under this section may not exceed the applicable administrative cost ceiling established in federal law. An agency or entity that is awarded a contract under this section may not charge more than 7 percent of the value of the contract for administration, unless an exception is approved by the local WAGES coalition. A list of any exceptions approved must be submitted to the WAGES Program State Board of Directors for review, and the board may rescind approval of the exception. The WAGES Program State Board of Directors may also approve exceptions for any statewide contract for services provided under this section.

(g) Local WAGES coalitions may enter into contracts to provide short-term work experience for the chronically unemployed as provided in this section.

(h) A tax-exempt organization under s. 501(c) of the Internal Revenue Code of 1986 which receives funds under this chapter must disclose receipt of federal funds on any advertising, promotional, or other material in accordance with federal requirements.

(11) ~~PROTECTIONS FOR PARTICIPANTS.~~ Each participant is subject to the same health, safety, and nondiscrimination standards established under federal, state, or local laws that otherwise apply to other individuals engaged in similar activities who are not participants in the WAGES Program.

(12) ~~PROTECTION FOR CURRENT EMPLOYEES.~~ In establishing and contracting for work experience and community service activities, other work experience activities, on-the-job training, subsidized employment, and work supplementation under the WAGES Program, an employed worker may not be displaced, either completely or partially. A WAGES participant may not be assigned to an activity or employed in a position if the employer has created the vacancy or terminated an existing employee without good cause in order to fill that position with a WAGES Program participant.

(13) ~~CONTRACTS FOR VOCATIONAL ASSESSMENTS AND WORK EVALUATIONS.~~ Vocational assessments or work evaluations by the Division of Vocational Rehabilitation pursuant to this section shall be performed under contract with the local WAGES coalitions.

Section 39. Section 414.085, Florida Statutes, is amended to read:

414.085 Income eligibility standards.—For purposes of program simplification and effective program management, certain income definitions, as outlined in the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied to the *temporary cash assistance* WAGES program as determined by the department to be consistent with federal law regarding temporary cash assistance and Medicaid for needy families, except as to the following:

(1) Participation in the *temporary cash assistance* WAGES program shall be limited to those families whose gross family income is equal to or less than 185 130 percent of the federal poverty level established in s. 673(2) of the Community Services Block Grant Act, 42 U.S.C. s. 9901(2).

(2) Income security payments, including payments funded under part B of Title IV of the Social Security Act, as amended; supplemental security income under Title XVI of the Social Security Act, as amended; or other income security payments as defined by federal law shall be excluded as income unless required to be included by federal law.

(3) The first \$50 of child support paid to a custodial parent receiving temporary cash assistance may not be disregarded in calculating the amount of temporary cash assistance for the family, unless such exclusion is required by federal law.

(4) An incentive payment to a participant authorized by a *regional workforce board* local WAGES coalition shall not be considered income.

Section 40. Section 414.095, Florida Statutes, is amended to read:

414.095 Determining eligibility for *temporary cash assistance* the WAGES Program.—

(1) ELIGIBILITY.—An applicant must meet eligibility requirements of this section before receiving services or temporary cash assistance under this chapter, except that an applicant shall be required to *register for work* and engage in work activities in accordance with s. 445.024, as designated by the *regional workforce board*, s. 414.065 and may receive support services or child care assistance in conjunction with such requirement. The department shall make a determination of eligibility based on the criteria listed in this chapter. The department shall monitor continued eligibility for temporary cash assistance through periodic reviews consistent with the food stamp eligibility process. Benefits shall not be denied to an individual solely based on a felony drug conviction, unless the conviction is for trafficking pursuant to s. 893.135. To be eligible under this section, an individual convicted of a drug felony must be satisfactorily meeting the requirements of the *temporary cash assistance* WAGES program, including all substance abuse treatment requirements. Within the limits specified in this chapter, the state opts out of the provision of Pub. L. No. 104-193, s. 115, that eliminates eligibility for temporary cash assistance and food stamps for any individual convicted of a controlled substance felony.

## (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary cash assistance and Medicaid ~~under the WAGES Program~~:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.
2. An applicant must be a legal resident of the state.
3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide to the department a social security number, or proof of application for a social security number, is not eligible to participate in the program.
4. A minor child must reside with a custodial parent or parents or with a relative caretaker who is within the specified degree of blood relationship as defined under *this chapter* ~~the WAGES Program~~, or in a setting approved by the department.
5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

(b) The following members of a family are eligible to participate in the program if all eligibility requirements are met:

1. A minor child who resides with a custodial parent or other adult caretaker relative.
2. The parent of a minor child with whom the child resides.
3. The caretaker relative with whom the minor child resides who chooses to have her or his needs and income included in the family.
4. Unwed minor children and their children if the unwed minor child lives at home or in an adult-supervised setting and if temporary cash assistance is paid to an alternative payee.
5. A pregnant woman.

(3) ELIGIBILITY FOR NONCITIZENS.—A “qualified noncitizen” is an individual who is ~~admitted to lawfully present in~~ the United States as a refugee under *s. 207 of the Immigration and Nationality Act* or who is granted asylum under *s. ss. 207 and 208 of the Immigration and Nationality Act; a noncitizen, an alien whose deportation is withheld under s. 243(h) or s. 241(b)(3) of the Immigration and Nationality Act; a noncitizen, or an alien who is paroled into the United States under s. 212(d)(5) of the Immigration and Nationality Act, for at least 1 year, a noncitizen who is granted conditional entry pursuant to s. 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980; a Cuban or Haitian entrant; or a noncitizen who has been admitted as a permanent resident and meets specific criteria under federal law. In addition, a “qualified noncitizen” includes an individual who, ~~or an individual whose child or parent, has been battered or subject to extreme cruelty in the United States by a spouse, or a parent, or other household member under certain circumstances, and has applied for or received protection under the federal Violence Against Women Act of 1994, Pub. L. No. 103-322, if the need for benefits is related to the abuse and the batterer no longer lives in the household.~~ A “nonqualified noncitizen” is a nonimmigrant ~~noncitizen alien~~, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. In addition, a “nonqualified noncitizen” includes an individual paroled into the United States for less than 1 year. A qualified noncitizen who is otherwise eligible may receive temporary cash assistance to the extent permitted by federal law. The income or resources of a sponsor and the sponsor's spouse shall be included in determining eligibility to the maximum extent permitted by federal law.*

(a) A child *who is a qualified noncitizen or who was born in the United States to an illegal or ineligible noncitizen alien* is eligible for temporary cash assistance under this chapter if the family meets all eligibility requirements.

(b) If the parent may legally work in this country, the parent must participate in the work activity requirements provided in *s. 445.024 s. 414.065*, to the extent permitted under federal law.

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

(d) The income of an illegal ~~noncitizen alien~~ or ineligible ~~noncitizen who is a mandatory member of a family alien~~, less a pro rata share for the illegal ~~noncitizen alien~~ or ineligible ~~noncitizen alien~~, counts in determining a family's eligibility to participate in the program.

(e) The entire assets of an ineligible ~~noncitizen alien~~ or a disqualified individual who is a mandatory member of a family shall be included in determining the family's eligibility.

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

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

1. If the stepparent chooses to be excluded from the family, temporary cash assistance, without shelter expense, shall be provided for the child. The parent of the child must comply with work activity requirements as provided in *s. 445.024 s. 414.065*. Income and resources from the stepparent may not be included in determining eligibility; however, any income and resources from the parent of the child shall be included in determining eligibility.

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

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

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

(5) CARETAKER RELATIVES.—A family that contains a caretaker relative of a minor child has the option to include or exclude the caretaker relative in determining eligibility. If the caretaker relative chooses to be included in the family, the caretaker relative must meet all eligibility requirements, including resource and income requirements, and must comply with work activity requirements as provided in *s. 445.024 s. 414.065*. If the caretaker relative chooses to be excluded from the family, eligibility shall be determined for the minor child based on the child's income and resources. The level of temporary cash assistance for the minor child shall be based on the shelter obligation paid to the caretaker relative.

(6) PREGNANT WOMAN WITH NO OTHER CHILD.—Temporary cash assistance for a pregnant woman is not available until the last month of pregnancy. However, if the department determines that a woman is restricted from work activities by orders of a physician, temporary cash assistance shall be available during the last trimester of pregnancy and *the woman may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child.*

(7) CHILD SUPPORT ENFORCEMENT.—As a condition of eligibility for public assistance, the family must cooperate with the state agency responsible for administering the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. Cooperation is defined as:

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

- (b) Assisting in establishing paternity; and
- (c) Assisting in establishing, modifying, or enforcing a support order with respect to a child of a family member.

This subsection does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate.

(8) **ASSIGNMENT OF RIGHTS TO SUPPORT.**—As a condition of receiving temporary cash assistance, the family must assign to the department any rights a member of a family may have to support from any other person. This applies to any family member; however, the assigned amounts must not exceed the total amount of temporary cash assistance provided to the family. The assignment of child support does not apply if the family leaves the program.

(9) **APPLICATIONS.**—The date of application is the date the department or authorized entity receives a signed and dated request to participate in the *temporary cash assistance* WAGES program. The request shall be denied 30 days after the initial application if the applicant fails to respond to scheduled appointments, including appointments with the state agency responsible for administering the child support enforcement program, and does not contact the department or authorized entity regarding the application.

(a) The beginning date of eligibility for temporary cash assistance is the date on which the application is approved or 30 days after the date of application, whichever is earlier.

(b) The add date for a newborn child is the date of the child's birth.

(c) The add date for all other individuals is the date on which the client files a signed and dated request with contacts the department to add request that the individual to be included in the grant for temporary cash assistance.

~~(d) Medicaid coverage for a recipient of temporary cash assistance begins on the first day of the first month of eligibility for temporary cash assistance, and such coverage shall include any eligibility required by federal law which is prior to the month of application.~~

(10) **PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.**—An applicant for temporary cash assistance or participant in the WAGES Program has the following opportunities and obligations:

(a) To participate in establishing eligibility by providing facts with respect to circumstances that affect eligibility and by obtaining, or authorizing the department and the Department of Labor and Employment Security to obtain, documents or information from others in order to establish eligibility.

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

(c) To be advised of any reduction or termination of temporary cash assistance or food stamps.

(d) To provide correct and complete information about the family's circumstances that relate to eligibility, at the time of application and at subsequent intervals.

~~(e) To keep the department and the Department of Labor and Employment Security informed of any changes that could affect eligibility.~~

(f) To use temporary cash assistance and food stamps for the purpose for which the assistance is intended.

(g) To receive information regarding services available from certified domestic violence centers or organizations that provide counseling and supportive services to individuals who are past or present victims of domestic violence or who are at risk of domestic violence and, upon request, to be referred to such organizations in a manner which protects the individual's confidentiality.

(11) **DETERMINATION OF LEVEL OF TEMPORARY CASH ASSISTANCE.**—Temporary cash assistance shall be based on a standard determined by the Legislature, subject to availability of funds. There

shall be three assistance levels for a family that contains a specified number of eligible members, based on the following criteria:

- (a) A family that does not have a shelter obligation.
- (b) A family that has a shelter obligation greater than zero but less than or equal to \$50.
- (c) A family that has a shelter obligation greater than \$50 or that is homeless.

The following chart depicts the levels of temporary cash assistance for implementation purposes:

THREE-TIER SHELTER PAYMENT STANDARD

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

(12) **DISREGARDS.**—

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

1. A current participant in the program; or
2. Eligible for participation in the program without the earnings disregard.

(b) A child's earned income shall be disregarded if the child is a family member, attends high school or the equivalent, and is 19 years of age or younger.

(13) **CALCULATION OF LEVELS OF TEMPORARY CASH ASSISTANCE.**—

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

(b) A deduction may not be allowed for child care payments.

(14) **METHODS OF PAYMENT OF TEMPORARY CASH ASSISTANCE.**—Temporary cash assistance may be paid as follows:

- (a) Direct payment through state warrant, electronic transfer of temporary cash assistance, or voucher.
- (b) Payment to an alternative payee.
- (c) Payment for subsidized employment.
- (d) Pay-after-performance arrangements with public or private not-for-profit agencies.

(15) **PROHIBITIONS AND RESTRICTIONS.**—

(a) A family without a minor child living in the home is not eligible to receive temporary cash assistance or services under this chapter. However, a pregnant woman is eligible for temporary cash assistance in the ninth month of pregnancy if all eligibility requirements are otherwise satisfied.

(b) Temporary cash assistance, without shelter expense, may be available for a teen parent who is a minor child and for the child. Temporary cash assistance may not be paid directly to the teen parent but must be paid, on behalf of the teen parent and child, to an alternative payee who is designated by the department. The alternative payee may not use the temporary cash assistance for any purpose other than paying for food, clothing, shelter, and medical care for the teen parent and child and for other necessities required to enable the teen parent to attend school or a training program. In order for the child of the teen parent and the teen parent to be eligible for temporary cash assistance, the teen parent must:

1. Attend school or an approved alternative training program, unless the child is less than 12 weeks of age or the teen parent has completed high school; and

2. Reside with a parent, legal guardian, or other adult caretaker relative. The income and resources of the parent shall be included in calculating the temporary cash assistance available to the teen parent since the parent is responsible for providing support and care for the child living in the home.

3. Attend parenting and family classes that provide a curriculum specified by the department or the Department of Health, as available.

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

1. The teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative.

2. The requirement is not in the best interest of the teen parent or the child. If the department determines that it is not in the best interest of the teen parent to reside with a parent, legal guardian, or other adult caretaker relative, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement. Such living arrangement may include a shelter obligation in accordance with subsection (11).

The department may not delay providing temporary cash assistance to the teen parent through the alternative payee designated by the department pending a determination as to where the teen parent should live and sufficient time for the move itself. A teen parent determined to need placement that is unavailable shall continue to be eligible for temporary cash assistance so long as the teen parent cooperates with the department, the local WAGES coalition, and the Department of Health. The teen parent shall be provided with counseling to make the transition from independence to supervised living and with a choice of living arrangements.

(d) Notwithstanding any law to the contrary, if a parent or caretaker relative without good cause does not cooperate with the state agency responsible for administering the child support enforcement program in establishing, modifying, or enforcing a support order with respect to a child of a teen parent or other family member, or a child of a family member who is in the care of an adult relative, temporary cash assistance to the entire family shall be denied until the state agency indicates that cooperation by the parent or caretaker relative has been satisfactory. To the extent permissible under federal law, a parent or caretaker relative shall not be penalized for failure to cooperate with paternity establishment or with the establishment, modification, or enforcement of a support order when such cooperation could subject an individual to a risk of domestic violence. Such risk shall constitute good cause to the extent permitted by Title IV-D of the Social Security Act, as amended, or other federal law.

(e) If a parent or caretaker relative does not assign any rights a family member may have to support from any other person as required by subsection (8), temporary cash assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

(f) An individual who is convicted in federal or state court of receiving benefits under this chapter, Title XIX, the Food Stamp Act of 1977, or Title XVI (Supplemental Security Income), in two or more states simultaneously may not receive temporary cash assistance or services under this chapter for 10 years following the date of conviction.

(g) An individual is ineligible to receive temporary cash assistance or services under this chapter during any period when the individual is fleeing to avoid prosecution, custody, or confinement after committing a crime, attempting to commit a crime that is a felony under the laws of the place from which the individual flees or a high misdemeanor in the State of New Jersey, or violating a condition of probation or parole imposed under federal or state law.

(h) The parent or other caretaker relative must report to the department by the end of the 5-day period that begins on the date it becomes clear to the parent or caretaker relative that a minor child will be absent from the home for 30 or more consecutive days. A parent or caretaker relative who fails to report this information to the department shall be disqualified from receiving temporary cash assistance for 30 days for the first occurrence, 60 days for the second occurrence, and 90 days for the third or subsequent occurrence.

(i) If the parents of a minor child live apart and equally share custody and control of the child, a parent is ineligible for temporary cash assistance unless the parent clearly demonstrates to the department that the parent provides primary day-to-day custody.

(j) The payee of the temporary cash assistance payment is the caretaker relative with whom a minor child resides and who assumes primary responsibility for the child's daily supervision, care, and control, except in cases where a protective payee is established.

~~(16) TRANSITIONAL BENEFITS AND SERVICES.—The department shall develop procedures to ensure that families leaving the temporary cash assistance program receive transitional benefits and services that will assist the family in moving toward self-sufficiency. At a minimum, such procedures must include, but are not limited to, the following:~~

~~(a) Each WAGES participant who is determined ineligible for cash assistance for a reason other than a work activity sanction shall be contacted by the case manager and provided information about the availability of transitional benefits and services. Such contact shall be attempted prior to closure of the case management file.~~

~~(b) Each WAGES participant who is determined ineligible for cash assistance due to noncompliance with the work activity requirements shall be contacted and provided information in accordance with s. 414.065(4).~~

~~(c) The department, in consultation with the WAGES Program State Board of Directors, shall develop informational material, including posters and brochures, to better inform families about the availability of transitional benefits and services.~~

~~(d) The department shall review federal requirements related to transitional Medicaid and shall, to the extent permitted by federal law, develop procedures to maximize the utilization of transitional Medicaid by families who leave the temporary cash assistance program.~~

~~(16)(17) PREELIGIBILITY FRAUD SCREENING.—An applicant who meets an error-prone profile, as determined by the department, is subject to preeligibility fraud screening as a means of reducing misspent funds and preventing fraud. The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for temporary cash assistance the WAGES Program against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.~~

~~(17)(18) PROPORTIONAL REDUCTION.—If the Social Services Estimating Conference forecasts an increase in the temporary cash assistance caseload and there is insufficient funding, a proportional reduction as determined by the department shall be applied to the levels of temporary cash assistance in subsection (11).~~

~~(18)(19) ADDITIONAL FUNDING.—When warranted by economic circumstances, the department, in consultation with the Social Services Estimating Conference, shall apply for additional federal funding available from the Contingency Fund for State Welfare Programs.~~

Section 41. Section 414.105, Florida Statutes, is amended to read:

414.105 Time limitations of temporary cash assistance.—Unless otherwise expressly provided in this chapter, an applicant or current

participant shall receive temporary cash assistance for episodes of not more than 24 cumulative months in any consecutive 60-month period that begins with the first month of participation and for not more than a lifetime cumulative total of 48 months as an adult, *unless otherwise provided by law.*

(1) The time limitation for episodes of temporary cash assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of temporary cash assistance as an adult, for cases in which the participant:

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

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

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

(2) A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to maximum of 12 additional months, for each month in which the participant is fully complying with the work activities of the WAGES Program through subsidized or unsubsidized public or private sector employment. The period for which extended temporary cash assistance is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996.

(3) A WAGES participant who is not exempt from work activity requirements and who participates in a recommended mental health or substance abuse treatment program may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the individual fully complies with the requirements of the treatment program. This treatment credit may be awarded only upon the successful completion of the treatment program and only once during the 48-month time limit.

(4) Notwithstanding the time limits previously referenced in this section, a participant may be eligible for a hardship extension. ~~A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months.~~ Hardship extensions exemptions to the time limitations of this chapter shall be limited to 20 percent of participants in all subsequent years, as determined by the department and approved by the WAGES Program State Board of Directors.

(a) For participants who have received 24 cumulative months or 36 cumulative months of temporary cash assistance, criteria for hardship extensions exemptions include:

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

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

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

4. Delay or interruption in an individual's participation in the program as a result of the effects of domestic violence. Hardship extensions granted under this subsection shall not be subject to the percentage limitation in this subsection.

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

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. Temporary cash assistance shall be provided through a protective payee. Staff of the Children and Families Program Office of the department shall conduct all assessments in each case in

which it appears a child may require continuation of temporary cash assistance through a protective payee.

At the recommendation of the ~~regional workforce board local WAGES coalition~~, temporary cash assistance under a hardship extension exemption for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.

(b) The cumulative total of all hardship extensions may not exceed 12 months, may include reduced benefits at the option of the review panel, and shall, in combination with other periods of temporary cash assistance as an adult, total no more than 48 months of temporary cash assistance, unless otherwise provided by law. If an individual fails to comply with program requirements during a hardship extension period, the hardship extension shall be removed upon the participant being given 10 days' notice to show good cause for failure to comply.

(c) For participants who have received 48 cumulative months of cash assistance, criteria for hardship extensions include:

1. Supplemental Security Income or Social Security Disability Insurance applicants who have pending claims at the end of the 48-month period whose claims have been verified by a physician licensed under chapter 458 or chapter 459. An independent medical examination may be requested by the regional workforce board to establish that the applicant is unable to gain employment.

2. Victims of domestic violence who have been engaged in an alternate work plan and despite best efforts are still not work ready.

3. Those individuals who have pervasive and persistent barriers to employment due to extensive educational and skills training deficits which require remediation and educational goals that require additional time for habilitation at the time the individual reached the 48-month time limit. Verification that the educational and skills training will likely lead to self-sufficient employment must be provided by a licensed occupational therapist or vocational rehabilitation specialist.

4. The regional workforce board must review and evaluate each hardship extension no later than 12 months after the extension has been granted to determine whether an additional extension should be given. If an individual fails to comply with program requirements during a hardship extension, the hardship extension shall be removed upon the participant being given 10 days' notice to show good cause for failure to comply.

~~(3) In addition to the exemptions listed in subsection (2), a victim of domestic violence may be granted a hardship exemption if the effects of such domestic violence delay or otherwise interrupt or adversely affect the individual's participation in the program. Hardship exemptions granted under this subsection shall not be subject to the percentage limitations in subsection (2).~~

(5)(4) The department, in cooperation with Workforce Florida, Inc., shall establish a procedure for reviewing and approving hardship extensions exemptions, and the regional workforce board local WAGES coalition may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.016.

(6) A minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance may receive an extension if the department determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. Temporary cash assistance shall be provided through a protective payee. Staff of the Children and Families Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.

(5) The cumulative total of all hardship exemptions may not exceed 12 months, may include reduced benefits at the option of the community review panel, and shall, in combination with other periods of temporary cash assistance as an adult, total no more than 48 months of temporary cash assistance. If an individual fails to comply with program requirements during a hardship exemption period, the hardship exemption shall be removed.

~~(7)(6)~~ For individuals who have moved from another state, ~~and have legally resided in this state for less than 12 months, the time limitation for temporary cash assistance shall be the shorter of the respective time limitations used in the two states, and~~ months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.

~~(8)(7)~~ For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which temporary cash assistance was received through the family transition program shall count towards the time limitations under this chapter.

~~(9)(8)~~ Except when temporary cash assistance was received through the family transition program, the calculation of the time limitation for temporary cash assistance shall begin with the first month of receipt of temporary cash assistance after the effective date of this act.

~~(10)(9)~~ Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.

~~(11)(10)~~ An individual who receives benefits under the Supplemental Security Income program or the Social Security Disability Insurance program is not subject to time limitations. An individual *with an assigned 24-month or 36-month time limit* who has applied for supplemental security income (SSI) *for disability*, but has not yet received a determination must be granted an extension of time limits until the individual receives a final determination on the SSI application. *However, such individual shall continue to meet all program requirements assigned to the participant based on medical ability to comply. Such extension shall be within the 48-month lifetime limit unless otherwise provided by law.* Determination shall be considered final once all appeals have been exhausted, benefits have been received, or denial has been accepted without any appeal. ~~Such individual must continue to meet all program requirements assigned to the participant based on medical ability to comply. Extensions of 48-month time limits shall be in accordance with paragraph (4)(c) within the recipient's 48-month lifetime limit. Hardship exemptions granted under this subsection shall not be subject to the percentage limitations in subsection (2).~~

~~(12)(11)~~ A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.

~~(13)(12)~~ A member of the ~~WAGES Program~~ *staff of the regional workforce board* shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 24-month time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.

Section 42. Section 414.157, Florida Statutes, is amended to read:

414.157 Diversion program for victims of domestic violence.—

(1) The diversion program for victims of domestic violence is intended to provide services and one-time payments to assist victims of domestic violence and their children in making the transition to independence.

(2) Before finding an applicant family eligible for the diversion program created under this section, a determination must be made that:

(a) The applicant family includes a pregnant woman or a parent with one or more minor children or a caretaker relative with one or more minor children.

(b) The services or one-time payment provided are not considered assistance under federal law or guidelines.

(3) Notwithstanding any provision to the contrary in ss. 414.075, 414.085, and 414.095, a family meeting the criteria of subsection (2) who is determined by the domestic violence program to be in need of services or one-time payment due to domestic violence shall be considered a

needy family and ~~is shall be deemed~~ eligible under this section for services through a certified domestic violence shelter.

(4) One-time payments provided under this section shall not exceed ~~\$1,000 an amount recommended by the WAGES Program State Board of Directors and adopted by the department in rule.~~

(5) Receipt of services or a one-time payment under this section ~~shall~~ *does* not preclude eligibility for, or receipt of, other assistance or services under this chapter.

Section 43. Section 414.158, Florida Statutes, is amended to read:

414.158 Diversion program to *prevent or reduce child abuse and neglect strengthen Florida's families.*—

(1) The diversion program to *prevent or reduce child abuse and neglect strengthen Florida's families* is intended to provide services and one-time payments to assist families in avoiding welfare dependency and to strengthen families so that children can be cared for in their own homes or in the homes of relatives and so that families can be self-sufficient.

(2) Before finding a family eligible for the diversion program created under this section, a determination must be made that:

(a) The family includes a pregnant woman or a parent with one or more minor children or a caretaker relative with one or more minor children.

(b) The family meets the criteria of a voluntary assessment performed by Healthy Families Florida; the family meets the criteria established by the department for determining that one or more children in the family are at risk of abuse, neglect, or threatened harm; or the family is homeless or living in a facility that provides shelter to homeless families.

(c) The services or one-time payment provided are not considered assistance under federal law or guidelines.

(3) Notwithstanding any provision to the contrary in s. 414.075, s. 414.085, or s. 414.095, a family meeting the requirements of subsection (2) shall be considered a needy family and shall be deemed eligible under this section.

(4) The department, in consultation with Healthy Families Florida, may establish additional requirements related to services or one-time payments, and the department is authorized to adopt rules relating to maximum amounts of such one-time payments.

(5) Receipt of services or a one-time payment under this section shall not preclude eligibility for, or receipt of, other assistance or services under this chapter.

Section 44. Subsection (1) of section 414.35, Florida Statutes, is amended to read:

414.35 Emergency relief.—

(1) The department shall, ~~by October 1, 1978,~~ adopt rules for the administration of emergency assistance programs delegated to the department either by executive order in accordance with the Disaster Relief Act of 1974 or pursuant to the Food Stamp Act of 1977.

Section 45. Subsection (1) of section 414.36, Florida Statutes, is amended to read:

414.36 Public assistance overpayment recovery program; contracts.—

(1) The department shall develop and implement a plan for the state-wide privatization of activities relating to the recovery of public assistance overpayment claims. These activities shall include, at a minimum, voluntary cash collections functions for recovery of fraudulent and non-fraudulent benefits paid to recipients of temporary cash assistance ~~under the WAGES Program~~, food stamps, and aid to families with dependent children.

Section 46. Subsection (10) of section 414.39, Florida Statutes, is amended to read:

## 414.39 Fraud.—

(10) The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for public assistance, including food stamps, Medicaid, and temporary cash assistance ~~under the WAGES Program~~, against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.

Section 47. Subsection (3) of section 414.41, Florida Statutes, is amended to read:

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

(3) The department, or its designee, shall enforce an order of income deduction by the court against the liable adult recipient or participant, including the head of a family, for overpayment received as an adult under the *temporary cash assistance* ~~WAGES~~ program, the AFDC program, the food stamp program, or the Medicaid program.

Section 48. Section 414.55, Florida Statutes, is amended to read:

414.55 Implementation of ss. 414.015-414.55.—~~Following the effective date of ss. 414.015-414.55:~~

~~(1)(a) The Governor may delay implementation of ss. 414.015-414.55 in order to provide the department, the Department of Labor and Employment Security, the Department of Revenue, and the Department of Health with the time necessary to prepare to implement new programs.~~

~~(b) The Governor may also delay implementation of portions of ss. 414.015-414.55 in order to allow savings resulting from the enactment of ss. 414.015-414.55 to pay for provisions implemented later. If the Governor determines that portions of ss. 414.015-414.55 should be delayed, the priority in implementing ss. 414.015-414.55 shall be, in order of priority:~~

~~1. Provisions that provide savings in the first year of implementation.~~

~~2. Provisions necessary to the implementation of work activity requirements, time limits, and sanctions.~~

~~3. Provisions related to removing marriage penalties and expanding temporary cash assistance to stepparent and two-parent families.~~

~~4. Provisions related to the reduction of teen pregnancy and out-of-wedlock births.~~

~~5. Other provisions.~~

~~(2) The programs affected by ss. 414.015-414.55 shall continue to operate under the provisions of law that would be in effect in the absence of ss. 414.015-414.55, until such time as the Governor informs the Speaker of the House of Representatives and the President of the Senate of his or her intention to implement provisions of ss. 414.015-414.55. Notice of intent to implement ss. 414.015-414.55 shall be given to the Speaker of the House of Representatives and the President of the Senate in writing and shall be delivered at least 14 consecutive days prior to such action.~~

~~(3) Any changes to a program, activity, or function taken pursuant to this section shall be considered a type-two transfer pursuant to the provisions of s. 20.06(2).~~

~~(4) In implementing ss. 414.015-414.55, The Governor shall minimize the liability of the state by opting out of the special provision related to community work, as described in s. 402(a)(1)(B)(iv) of the Social Security Act, as amended by Pub. L. No. 104-193. The department and *Workforce Florida, Inc.*, the Department of Labor and Employment Security shall implement the community work program in accordance with s. 445.024 ss. 414.015-414.55.~~

Section 49. Section 414.70, Florida Statutes, is amended to read:

## 414.70 Drug-testing and drug-screening program; procedures.—

(1) DEMONSTRATION PROJECT.—The Department of Children and Family Services, in consultation with *the regional workforce boards in service areas* ~~local WAGES coalitions~~ 3 and 8, shall develop and, as

~~soon as possible after January 1, 1999, implement a demonstration project in service areas~~ ~~WAGES~~ regions 3 and 8 to screen each applicant and test applicants for temporary cash assistance provided under this chapter, who the department has reasonable cause to believe, based on the screening, engage in illegal use of controlled substances. Unless reauthorized by the Legislature, this demonstration project expires June 30, 2001. As used in this *section* ~~act~~, the term “applicant” means an individual who first applies for *temporary cash* ~~assistance or services~~ under *this chapter* ~~the WAGES Program~~. Screening and testing for the illegal use of controlled substances is not required if the individual reapplies during any continuous period in which the individual receives ~~assistance or services~~. However, an individual may volunteer for drug testing and treatment if funding is available.

(a) Applicants subject to the requirements of this section include any parent or caretaker relative who is included in the cash assistance group, including individuals who may be exempt from work activity requirements due to the age of the youngest child or who may be exempted from work activity requirements under *s. 414.065(4) s. 414.065(7)*.

(b) Applicants not subject to the requirements of this section include applicants for food stamps or Medicaid who are not applying for cash assistance, applicants who, if eligible, would be exempt from the time limitation and work activity requirements due to receipt of social security disability income, and applicants who, if eligible, would be excluded from the assistance group due to receipt of supplemental security income.

(2) PROCEDURES.—Under the demonstration project, the Department of Children and Family Services shall:

(a) Provide notice of drug screening and the potential for possible drug testing to each applicant at the time of application. The notice must advise the applicant that drug screening and possibly drug testing will be conducted as a condition for receiving temporary assistance ~~or services~~ under this chapter, and shall specify the assistance ~~or services~~ that are subject to this requirement. The notice must also advise the applicant that a prospective employer may require the applicant to submit to a preemployment drug test. The applicant shall be advised that the required drug screening and possible drug testing may be avoided if the applicant does not apply for or receive assistance ~~or services~~. The drug-screening and drug-testing program is not applicable in child-only cases.

(b) Develop a procedure for drug screening and conducting drug testing of applicants for temporary *cash* ~~assistance or services~~ under the ~~WAGES Program~~. For two-parent families, both parents must comply with the drug screening and testing requirements of this section.

(c) Provide a procedure to advise each person to be tested, before the test is conducted, that he or she may, but is not required to, advise the agent administering the test of any prescription or over-the-counter medication he or she is taking.

(d) Require each person to be tested to sign a written acknowledgment that he or she has received and understood the notice and advice provided under paragraphs (a) and (c).

(e) Provide a procedure to assure each person being tested a reasonable degree of dignity while producing and submitting a sample for drug testing, consistent with the state's need to ensure the reliability of the sample.

(f) Specify circumstances under which a person who fails a drug test has the right to take one or more additional tests.

(g) Provide a procedure for appealing the results of a drug test by a person who fails a test and for advising the appellant that he or she may, but is not required to, advise appropriate staff of any prescription or over-the-counter medication he or she has been taking.

(h) Notify each person who fails a drug test of the local substance abuse treatment programs that may be available to such person.

(3) CHILDREN.—

(a) If a parent is deemed ineligible for cash assistance due to refusal to comply with the provisions of this section, his or her dependent child's eligibility for cash assistance is not affected. A parent who is ineligible

for cash assistance due to refusal or failure to comply with the provisions of this section shall be subject to the work activity requirements of s. 445.024 ~~s. 414.065~~, and shall be subject to the penalties under s. 414.065(1) ~~s. 414.065(4)~~ upon failure to comply with such requirements.

(b) If a parent is deemed ineligible for cash assistance due to the failure of a drug test, an appropriate protective payee will be established for the benefit of the child.

(c) If the parent refuses to cooperate in establishing an appropriate protective payee for the child, the Department of Children and Family Services will appoint one.

(4) TREATMENT.—

(a) Subject to the availability of funding, the Department of Children and Family Services shall provide a substance abuse treatment program for a person who fails a drug test conducted under this *section* ~~act~~ and is eligible to receive temporary *cash* assistance ~~or services~~ under *this chapter* ~~the WAGES Program~~. The department shall provide for a retest at the end of the treatment period. Failure to pass the retest will result in the termination of temporary *cash* assistance ~~or services~~ provided under this chapter and of any right to appeal the termination.

(b) The Department of Children and Family Services shall develop rules regarding the disclosure of information concerning applicants who enter treatment, including the requirement that applicants sign a consent to release information to the Department of Children and Family Services ~~or the Department of Labor and Employment Security, as necessary~~, as a condition of entering the treatment program.

(c) The Department of Children and Family Services may develop rules for assessing the status of persons formerly treated under this *section* ~~act~~ who reapply for assistance ~~or services~~ under the WAGES ~~act~~ as well as the need for drug testing as a part of the reapplication process.

(5) EVALUATIONS AND RECOMMENDATIONS.—

(a) The Department of Children and Family Services, in conjunction with the *regional workforce boards* ~~local WAGES coalitions~~ in service areas 3 and 8, shall conduct a comprehensive evaluation of the demonstration projects operated under this *section* ~~act~~. ~~By January 1, 2000, the department, in conjunction with the local WAGES coalitions involved, shall report to the WAGES Program State Board of Directors and to the Legislature on the status of the initial implementation of the demonstration projects and shall specifically describe the problems encountered and the funds expended during the first year of operation.~~

(b) By January 1, 2001, the department, in conjunction with the *regional workforce boards* ~~local WAGES coalitions~~ involved, shall provide a comprehensive evaluation to the WAGES Program State Board of Directors ~~and to the Legislature~~, which must include:

1. The impact of the drug-screening and drug-testing program on employability, job placement, job retention, and salary levels of program participants.

2. Recommendations, based in part on a cost and benefit analysis, as to the feasibility of expanding the program to other ~~local WAGES~~ service areas, including specific recommendations for implementing such expansion of the program.

(6) CONFLICTS.—In the event of a conflict between the implementation procedures described in this program and federal requirements and regulations, federal requirements and regulations shall control.

Section 50. *Sections 239.249, 288.9950, 288.9954, 288.9957, 288.9958, 288.9959, 414.015, 414.026, 414.0267, 414.027, 414.028, 414.029, 414.030, 414.055, 414.125, 414.25, and 414.38, Florida Statutes, are repealed.*

Section 51. Subsection (2) of section 14.2015, Florida Statutes, is amended to read:

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

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state

agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(a) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state, to promote the participation of Florida's citizens in amateur athletic competition, and to promote Florida as a host for national and international amateur athletic competitions.

(b) Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; *workforce development*; minority and small business development; and rural community development. *As part of its responsibilities under this paragraph, the office shall work with Enterprise Florida, Inc., and Workforce Florida, Inc., to ensure that, to the maximum extent possible, there are direct linkages between the economic development and workforce development goals and strategies of the state.*

(c) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development *and workforce development* projects designed to create, expand, and retain Florida businesses and to recruit worldwide business, as well as in other job-creating efforts.

(d) Assist the Governor, in cooperation with Enterprise Florida, Inc., *Workforce Florida, Inc.*, and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(e) Plan and conduct at least one meeting per calendar year of leaders in business, government, *education, workforce development*, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(f)1. Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, the tax-refund program for qualified defense contractors under s. 288.1045, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the expedited permitting process under s. 403.973, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, the Rural Economic Development Initiative, and other programs that are specifically assigned to the office by law, by the appropriations process, or by the Governor. Notwithstanding any other provisions of law, the office may expend interest earned from the investment of program funds deposited in the Economic Development Trust Fund, the Grants and Donations Trust Fund, the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund, and the Economic Development Transportation Trust Fund to contract for the administration of the programs, or portions of the programs, enumerated in this paragraph or assigned to the office by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, tax incentives under the Certified Capital Company Act in chapter 288, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida

Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law, by the appropriations process, or by the Governor.

(g) Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year.

(h) Provide administrative oversight for the Office of the Film Commissioner, created under s. 288.1251, to develop, promote, and provide services to the state's entertainment industry and to administratively house the Florida Film Advisory Council created under s. 288.1252.

(i) Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, the Office of the Film Commissioner, and the direct-support organization created to promote the sports industry.

(j) Adopt rules, as necessary, to carry out its functions in connection with the administration of the Qualified Target Industry program, the Qualified Defense Contractor program, the Certified Capital Company Act, the Enterprise Zone program, and the Florida First Business Bond pool.

Section 52. Effective October 1, 2000, subsections (4) and (5) of section 20.171, Florida Statutes, are amended to read:

20.171 Department of Labor and Employment Security.—There is created a Department of Labor and Employment Security. The department shall operate its programs in a decentralized fashion.

(4)(a) The Assistant Secretary for Programs and Operations must possess a broad knowledge of the administrative, financial, and technical aspects of the divisions within the department.

(b) The assistant secretary is responsible for developing, monitoring, and enforcing policy and managing major technical programs and supervising the Bureau of Appeals of the Division of Unemployment Compensation. The responsibilities and duties of the position include, but are not limited to, the following functional areas:

1. Workers' compensation management and policy implementation.
- ~~2.—Jobs and benefits management and policy information.~~
- ~~2.3.~~ Unemployment compensation management and policy implementation.
- 3.4. Blind services management and policy implementation.
- ~~4.5.~~ Oversight of the five field offices and any local offices.

(5) The following divisions are established and shall be headed by division directors who shall be supervised by and shall be responsible to the Assistant Secretary for Programs and Operations:

(a) ~~Division of Workforce and Employment Opportunities.~~

(a)(b) Division of Unemployment Compensation.

(b)(c) Division of Workers' Compensation.

(c)(d) Division of Blind Services.

(d)(e) Division of Safety, which is repealed July 1, 2000.

(e)(f) Division of Vocational Rehabilitation.

Section 53. Section 20.50, Florida Statutes, is created to read:

20.50 Agency for Workforce Innovation.—There is created the Agency for Workforce Innovation within the Department of Management Services. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(1) The Agency for Workforce Innovation shall ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and mid-year amendments thereto must be part of such contract.

(a) All program and fiscal instructions to regional workforce boards shall emanate from the agency pursuant to plans and policies of Workforce Florida, Inc. Workforce Florida, Inc., shall be responsible for all policy directions to the regional boards.

(b) Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies of the Agency for Workforce Innovation shall apply.

(2) The Agency for Workforce Innovation shall be the designated administrative agency for receipt of federal workforce development grants and other federal funds, and shall carry out the duties and responsibilities assigned by the Governor under each federal grant assigned to the agency. The agency shall be a separate budget entity and shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. The agency shall prepare and submit as a separate budget entity a unified budget request for workforce development, in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board. The head of the agency is the Director of Workforce Innovation, who shall be appointed by the Governor. Within the agency's overall organizational structure, the agency shall include the following offices which shall have the specified responsibilities:

(a) The Office of Workforce Services shall administer state merit system program staff within the workforce service delivery system, pursuant to policies of Workforce Florida, Inc. The office shall be directed by the Deputy Director for Workforce Services, who shall be appointed by and serve at the pleasure of the director.

(b) The Office of Workforce Support Services shall be responsible for ensuring provisions for Temporary Assistance for Needy Families and welfare transition programs in federal laws and regulations and chapters 414 and 445 are implemented. The office shall ensure participants in these programs receive case management services, and support services, such as subsidized child care, health care coverage, diversion, and relocation assistance, to enable them to succeed in the workforce, as delineated in their case plans. The office shall be directed by the Deputy Director for Workforce Support Services, who shall be appointed by and serve at the pleasure of the director.

(c) The Office of Workforce Investment and Accountability shall be responsible for procurement, contracting, financial management, accounting, audits, and verification. The office shall be directed by the Deputy Director for Workforce Investment and Accountability, who shall be appointed by and serve at the pleasure of the director. The office shall be responsible for:

1. Establishing standards and controls for reporting budgeting, expenditure, and performance information for assessing outcomes, service delivery, and financial administration of workforce programs pursuant to s. 445.004(5) and (9).

2. Establishing monitoring, quality assurance, and quality improvement systems that routinely assess the quality and effectiveness of contracted programs and services.

3. Annual review of each regional workforce board and administrative entity to ensure adequate systems of reporting and control are in place, and monitoring, quality assurance, and quality improvement activities are conducted routinely, and corrective action is taken to eliminate deficiencies.

(d) The Office of Workforce Information Services shall deliver information on labor markets, employment, occupations, and performance, and shall implement and maintain information systems that are required for the effective operation of the one-stop delivery system, including, but not limited to, those systems described in s. 445.009. The office will be under the direction of the Deputy Director for Workforce Information Services, who shall be appointed by and serve at the pleasure of the director. The office shall be responsible for establishing:

1. Information systems and controls that report reliable, timely and accurate fiscal and performance data for assessing outcomes, service delivery, and financial administration of workforce programs pursuant to s. 445.004(5) and (9).

2. Information systems that support service integration and case management by providing for case tracking for participants in welfare transition programs.

(3) The Agency for Workforce Innovation shall serve as the designated agency for purposes of each federal workforce development grant assigned to it for administration. The agency shall carry out the duties assigned to it by the Governor, under the terms and conditions of each grant. The agency shall have the level of authority and autonomy necessary to be the designated recipient of each federal grant assigned to it, and shall disperse such grants pursuant to the plans and policies of Workforce Florida, Inc. The director may, upon delegation from the Governor and pursuant to agreement with Workforce Florida, Inc., sign contracts, grants, and other instruments as necessary to execute functions assigned to the agency. The assignment of powers and duties to the agency does not limit the authority and responsibilities of the Secretary of Management Services as provided in paragraph (1)(a). Notwithstanding other provisions of law, the following federal grants and other funds are assigned for administration to the Agency for Workforce Innovation:

(a) Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, except for programs funded directly by the United States Department of Labor under Title I, s. 167.

(b) Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.

(c) Welfare-to-work grants administered by the United States Department of Labor under Title IV, s. 403, of the Social Security Act, as amended.

(d) Activities authorized under Title II of the Trade Act of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the Trade Adjustment Assistance Program.

(e) Activities authorized under chapter 41 of Title 38 U.S.C., including job counseling, training, and placement for veterans.

(f) Employment and training activities carried out under the Community Services Block Grant Act, 42 U.S.C. ss. 9901 et seq.

(g) Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.

(h) Designated state and local program expenditures under part A of Title IV of the Social Security Act for welfare transition workforce services associated with the Temporary Assistance for Needy Families Program.

(i) Programs authorized under the National and Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the Service-America programs, the National Service Trust programs, the Civilian Community Corps, the Corporation for National and Community Service, the American Conservation and Youth Service Corps, and the Points of Light Foundation programs, if such programs are awarded to the state.

(j) Other programs funded by federal or state appropriations, as determined by the Legislature in the General Appropriations Act or by law.

(4) The Agency for Workforce Innovation shall provide or contract for training for employees of administrative entities and case managers of any contracted providers to ensure they have the necessary competencies and skills to provide adequate administrative oversight and delivery of the full array of client services pursuant to s. 445.006(5)(f). Training requirements include, but are not limited to:

(a) Minimum skills, knowledge, and abilities required for each classification of program personnel utilized in the regional workforce boards' service delivery plans.

(b) Minimum requirements for development of a regional workforce board supported personnel training plan to include preservice and inservice components.

(c) Specifications or criteria under which any regional workforce board may award bonus points or otherwise give preference to competitive service provider applications that provide minimum criteria for assuring competent case management, including, but not limited to, maximum caseload per case manager, current staff turnover rate, minimum educational or work experience requirements, and a differentiated compensation plan based on the competency levels of personnel.

(d) Minimum skills, knowledge, and abilities required for contract management, including budgeting, expenditure, and performance information related to service delivery and financial administration, monitoring, quality assurance and improvement, and standards of conduct for employees of regional workforce boards and administrative entities specifically related to carrying out contracting responsibilities.

Section 54. Paragraph (b) 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.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.a. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of \$50,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such an expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the

department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property or which does not use such machinery and equipment in spaceport activities as required by this paragraph. The exemptions provided in subparagraphs 1. and 2. shall apply to machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations only by way of a prospective credit against taxes due under chapter 211 for taxes paid under this chapter on such machinery and equipment.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of spaceport activities or of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

7. ~~Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the~~

~~taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.~~

Section 55. Subsections (1) and (3) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(a) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business, located in an enterprise zone. An eligible business does not include any business which has claimed the credit permitted under s. 220.181 for any new business employee first beginning employment with the business after July 1, 1995.

(b) "Month" means either a calendar month or the time period from any day of any month to the corresponding day of the next succeeding month or, if there is no corresponding day in the next succeeding month, the last day of the succeeding month.

(c) "New employee" means a person residing in an enterprise zone, a qualified Job Training Partnership Act classroom training participant, or a *welfare transition* WAGES program participant who begins employment with an eligible business after July 1, 1995, and who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed by this section.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided the person is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in the enterprise zone.

(3) In order to claim this credit, an eligible business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a *welfare transition* WAGES program participant.

(b) If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

(c) The name and address of the eligible business.

(d) The starting salary or hourly wages paid to the new employee.

(e) The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

(f) Whether the business is a small business as defined by s. 288.703(1).

(g) Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to this subsection and meets the criteria set out in this section. The governing body or agency shall certify all applications that contain the information required pursuant to this subsection and meet the criteria set out in this section as eligible to receive a credit. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive

director of the Department of Revenue. The business shall be responsible for forwarding a certified application to the department within the time specified in paragraph (h).

(h) All applications for a credit pursuant to this section must be submitted to the department within 4 months after the new employee is hired.

Section 56. Subsection (5) of section 212.097, Florida Statutes, is amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

(5) For any new eligible business receiving a credit pursuant to subsection (3), an additional \$500 credit shall be provided for any qualified employee who is a *welfare transition WAGES* program participant pursuant to chapter 414. For any existing eligible business receiving a credit pursuant to subsection (4), an additional \$500 credit shall be provided for any qualified employee who is a *welfare transition WAGES* program participant pursuant to chapter 414. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the high-crime area. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the department.

Section 57. Subsection (5) of section 212.098, Florida Statutes, is amended to read:

212.098 Rural Job Tax Credit Program.—

(5) For any new eligible business receiving a credit pursuant to subsection (3), an additional \$500 credit shall be provided for any qualified employee who is a *welfare transition WAGES* program participant pursuant to chapter 414. For any existing eligible business receiving a credit pursuant to subsection (4), an additional \$500 credit shall be provided for any qualified employee who is a *welfare transition WAGES* program participant pursuant to chapter 414. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the county. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the department.

Section 58. Subsection (10) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(10) ~~WORKFORCE ESTIMATING OCCUPATIONAL FORECASTING CONFERENCE.—~~

(a) Duties.—

1. ~~The Workforce Estimating Occupational Forecasting Conference shall develop such official information on the workforce development system planning process as it relates to the personnel needs of current, new, and emerging industries as the conference determines is needed by the state planning and budgeting system. Such information, using quantitative and qualitative research methods, must include at least: short-term and long-term forecasts of employment demand for high-skills/high-wage jobs by occupation and industry; entry and average relative wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available or potentially available for employment in those occupations, with special focus upon those occupations and industries which require high skills and have high entry wages and experienced wage levels. In the development of workforce estimates, the conference shall use, to the fullest extent possible, local occupational and workforce forecasts and estimates.~~

2. ~~The Workforce Estimating Conference shall review data concerning the local and regional demands for short-term and long-term employment in High-Skills/High-Wage Program jobs, as well as other jobs, which data is generated through surveys conducted as part of the state's Internet-based job matching and labor market information system authorized under s. 445.011. The conference shall consider such data in developing its forecasts for statewide employment demand, including reviewing the local and regional data for common trends and conditions among localities or regions which may warrant inclusion of a particular~~

~~occupation on the statewide occupational forecasting list developed by the conference. Based upon its review of such survey data, the conference shall also make recommendations semiannually to Workforce Florida, Inc., on additions or deletions to lists of locally targeted occupations approved by Workforce Florida, Inc.~~

3. ~~During each legislative session, and at other times if necessary, the Workforce Estimating Conference shall meet as the Workforce Impact Conference for the purpose of determining the effects of legislation related to the state's workforce and economic development efforts introduced prior to and during such legislative session. In addition to the designated principals of the impact conference, nonprincipal participants of the impact conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The impact conference shall use both quantitative and qualitative research methods to determine the impact of introduced legislation related to workforce and economic development issues.~~

4. ~~Notwithstanding subparagraph 3., the Workforce Estimating Conference, for the purposes described in subparagraph 1., shall meet no less than 2 times in a calendar year. The first meeting shall be held in February and the second meeting shall be held in August. Other meetings may be scheduled as needed.~~

(b) Principals.—~~The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the director of the Agency for Workforce Innovation Secretary of Labor, the Chancellor of the State University System, the Executive Director of the State Board of Community Colleges, the Chair of the State Board of Nonpublic Career Education, the Chair of the Workforce Florida, Inc., and the coordinator of the Office of Economic and Demographic Research, or their designees, and professional staff from the Senate and the House of Representatives who have forecasting and substantive expertise, are the principals of the Workforce Estimating Occupational Forecasting Conference. In addition to the designated principals of the conference, nonprincipal participants of the conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The principal representing the Executive Office of the Governor Commissioner of Education, or the commissioner's designee, shall preside over the sessions of the conference.~~

Section 59. Subsections (1) and (2) of section 220.181, Florida Statutes, are amended to read:

220.181 Enterprise zone jobs credit.—

(1)(a) Beginning July 1, 1995, there shall be allowed a credit against the tax imposed by this chapter to any business located in an enterprise zone which employs one or more new employees. The credit shall be computed as follows:

1. Ten percent of the actual monthly wages paid in this state to each new employee whose wages do not exceed \$1,500 a month. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 15 percent of the actual monthly wages paid in this state to each new employee, for a period of up to 12 consecutive months;

2. Five percent of the first \$1,500 of actual monthly wages paid in this state for each new employee whose wages exceed \$1,500 a month; or

3. Fifteen percent of the first \$1,500 of actual monthly wages paid in this state for each new employee who is a *welfare transition WAGES* program participant pursuant to chapter 414.

(b) This credit applies only with respect to wages subject to unemployment tax and does not apply for any new employee who is employed for any period less than 3 full months.

(c) If this credit is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year after applying the other credits and unused credit carryovers in the order provided in s. 220.02(10).

(2) When filing for an enterprise zone jobs credit, a business must file under oath with the governing body or enterprise zone development

agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence during the taxable year, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the new employee resides if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a *welfare transition WAGES* program participant.

(b) If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

(c) The name and address of the business.

(d) The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the eligible business is located.

(e) The salary or hourly wages paid to each new employee claimed.

(f) Whether the business is a small business as defined by s. 288.703(1).

Section 60. Subsection (2) and paragraph (k) of subsection (3) of section 230.2305, Florida Statutes, are amended to read:

230.2305 Prekindergarten early intervention program.—

(2) ELIGIBILITY.—There is hereby created the prekindergarten early intervention program for children who are 3 and 4 years of age. A prekindergarten early intervention program shall be administered by a district school board and shall receive state funds pursuant to subsection (6). Each public school district shall make reasonable efforts to accommodate the needs of children for extended day and extended year services without compromising the quality of the 6-hour, 180-day program. The school district shall report on such efforts. School district participation in the prekindergarten early intervention program shall be at the discretion of each school district.

(a) At least 75 percent of the children projected to be served by the district program shall be economically disadvantaged 4-year-old children of working parents, including migrant children or children whose parents participate in the *welfare transition WAGES* program. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

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

2. Three-year-old children and four-year-old children who may not be economically disadvantaged but who are eligible students with disabilities and served in an exceptional student education program with required special services, aids, or equipment and who are reported for partial funding in the K-12 Florida Education Finance Program. These students may be funded from prekindergarten early intervention program funds the portion of the time not funded by the K-12 Florida Education Finance Program for the actual instructional time or one full-time equivalent student membership, whichever is the lesser. These students with disabilities shall be counted toward the 25-percent student limit based on full-time equivalent student membership funded part-time by prekindergarten early intervention program funds. Also, 3-year-old or 4-year-old eligible students with disabilities who are reported for funding in the K-12 Florida Education Finance Program in an exceptional student education program as provided in s. 236.081(1)(c) may be mainstreamed in the prekindergarten early intervention program if such programming is reflected in the student's individual educational plan; if required special services, aids, or equipment are provided; and if there is no operational cost to prekindergarten early intervention program funds. Exceptional education students who are reported for maximum K-12 Florida Education Finance Program funding and who are not reported for early intervention funding shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.

3. Economically disadvantaged 3-year-old children.

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

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

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

(b) An "economically disadvantaged" child shall be defined as a child eligible to participate in the free lunch program. Notwithstanding any change in a family's economic status or in the federal eligibility requirements for free lunch, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age. In order to assist the school district in establishing the priority in which children shall be served, and to increase the efficiency in the provision of child care services in each district, the district shall enter into a written collaborative agreement with other publicly funded early education and child care programs within the district. Such agreement shall be facilitated by the interagency coordinating council and shall set forth, among other provisions, the measures to be undertaken to ensure the programs' achievement and compliance with the performance standards established in subsection (3) and for maximizing the public resources available to each program. In addition, the central agency for state-subsidized child care or the local service district of the Department of Children and Family Services shall provide the school district with an updated list of 3-year-old and 4-year-old children residing in the school district who are on the waiting list for state-subsidized child care.

(3) STANDARDS.—

(k) The school district must coordinate with the central agency for state-subsidized child care or the local service district of the Department of Children and Family Services to verify family participation in the *welfare transition WAGES* program, thus ensuring accurate reporting and full utilization of federal funds available through the Family Support Act, and for the agency's or service district's sharing of the waiting list for state-subsidized child care under paragraph (a).

Section 61. Subsections (4) and (5) of section 232.17, Florida Statutes, are amended to read:

232.17 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that schools must take an active role in enforcing attendance as a means of improving the performance of many students. It is the policy of the state that the superintendent of each school district be responsible for enforcing school attendance of all children and youth subject to the compulsory school age in the school district. The responsibility includes recommending to the school board policies and procedures to ensure that schools respond in a timely manner to every unexcused absence, or absence for which the reason is unknown, of students enrolled in the schools. School board policies must require each parent or guardian of a student to justify each absence of the student, and that justification will be evaluated based on adopted school board policies that define excused and unexcused absences. The policies must provide that schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to enforce regular school attendance:

(4) REPORT TO THE *DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY DIVISION OF JOBS AND BENEFITS*.—A designated school representative shall report to the ~~Division of Jobs and Benefits~~ of the Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to

receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) **RIGHT TO INSPECT.**—A designated school representative shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the *Department of Labor and Employment Security Division of Jobs and Benefits* only for the purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the *Department of Labor and Employment Security Division of Jobs and Benefits* or its agents.

Section 62. Paragraph (g) of subsection (1) of section 234.01, Florida Statutes, is amended to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(g) May provide transportation for *welfare transition WAGES* program participants as defined in s. 414.0252.

Section 63. Paragraph (b) of subsection (1) of section 234.211, Florida Statutes, is amended to read:

234.211 Use of school buses for public purposes.—

(1)

(b) Each school district may enter into agreements with *regional workforce boards* local *WAGES* coalitions for the provision of transportation services to *WAGES* program participants in the *welfare transition program* as defined in s. 414.0252. Agreements must provide for reimbursement in full or in part for the proportionate share of fixed and operating costs incurred by the school district attributable to the use of buses in accordance with the agreement.

Section 64. Subsection (15) of section 239.105, Florida Statutes, is amended to read:

239.105 Definitions.—As used in this chapter, the term:

(15) "Degree vocational education program" means a course of study that leads to an associate in applied science degree or an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates or diplomas within the course of study. The term is interchangeable with the term "degree career education program." *For licensure purposes, the term "associate in science degree" is interchangeable with "associate in applied science degree."*

Section 65. Paragraph (c) of subsection (4) and subsections (7) and (9) of section 239.115, Florida Statutes, are amended to read:

239.115 Funds for operation of adult general education and vocational education programs.—

(4) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures. This subsection takes effect July 1, 1999.

(c) The performance outcome measures for programs funded through the Workforce Development Education Fund are associated with placement and retention of students after reaching a completion point or completing a program of study. These measures include placement or retention in employment that is related to the program of study; placement into or retention in employment in an occupation on the *Workforce Estimating Occupational Forecasting* Conference list of high-wage, high-skill occupations with sufficient openings, or *other High Wage/High Skill Program occupations as determined by Workforce Florida, Inc.*; and placement and retention of *participants WAGES* clients or

former *participants in the welfare transition program WAGES* clients in employment. Continuing postsecondary education at a level that will further enhance employment is a performance outcome for adult general education programs. Placement and retention must be reported pursuant to ss. 229.8075 and 239.233.

(7)(a) Beginning in fiscal year 1999-2000, a school district or a community college that provides workforce development education funded through the Workforce Development Education Fund shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act, pursuant to the following conditions:

1.(a) Base funding shall not exceed 85 percent of the current fiscal year total Workforce Development Education Fund allocation, which shall be distributed by the Legislature in the General Appropriations Act based on a maximum of 85 percent of the institution's prior year total allocation from base and performance funds.

2.(b) Performance funding shall be at least 15 percent of the current fiscal year total Workforce Development Education Fund allocation, which shall be distributed by the Legislature in the General Appropriations Act based on the previous fiscal year's achievement of output and outcomes in accordance with formulas adopted pursuant to subsection (9). Performance funding must incorporate payments for at least three levels of placements that reflect wages and workforce demand. Payments for completions must not exceed 60 percent of the payments for placement. For fiscal year 1999-2000, school districts and community colleges shall be awarded funds pursuant to this paragraph based on performance output data generated for fiscal year 1998-1999 and performance outcome data available in that year.

3.(c) If a local educational agency achieves a level of performance sufficient to generate a full allocation as authorized by the workforce development funding formula, the agency may earn performance incentive funds as appropriated for that purpose in a General Appropriations Act. If performance incentive funds are funded and awarded, these funds must be added to the local educational agency's prior year total allocation from the Workforce Development Education Fund and shall be used to calculate the following year's base funding.

(b) *A program is established to assist school districts and community colleges in responding to the needs of new and expanding businesses and thereby strengthening the state's workforce and economy. The program may be funded in the General Appropriations Act. A school district or community college may expend funds under the program without regard to performance criteria set forth in subparagraph (a)2. The district or community college shall use the program to provide customized training for businesses which satisfies the requirements of s. 288.047. Business firms whose employees receive the customized training must provide 50 percent of the cost of the training. Balances remaining in the program at the end of the fiscal year shall not revert to the general fund, but shall be carried over for 1 additional year and used for the purpose of serving incumbent worker training needs of area businesses with fewer than 100 employees. Priority shall be given to businesses that must increase or upgrade their use of technology to remain competitive.*

(9) The Department of Education, the State Board of Community Colleges, and *Workforce Florida, Inc.*, the ~~Jobs and Education Partnership~~ shall provide the Legislature with recommended formulas, criteria, timeframes, and mechanisms for distributing performance funds. The commissioner shall consolidate the recommendations and develop a consensus proposal for funding. The Legislature shall adopt a formula and distribute the performance funds to the Division of Community Colleges and the Division of Workforce Development through the General Appropriations Act. These recommendations shall be based on formulas that would discourage low-performing or low-demand programs and encourage through performance-funding awards:

(a) Programs that prepare people to enter high-wage occupations identified by the *Workforce Estimating Occupational Forecasting* Conference created by s. 216.136 and other programs as approved by *Workforce Florida, Inc* the ~~Jobs and Education Partnership~~. At a minimum, performance incentives shall be calculated for adults who reach completion points or complete programs that lead to specified high-wage employment and to their placement in that employment.

(b) Programs that successfully prepare adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient

in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated at an enhanced value for the completion of adults identified in this paragraph and job placement of such adults upon completion. In addition, adjustments may be made in payments for job placements for areas of high unemployment.

(c) *Programs that are specifically designed to be consistent with the workforce needs of private enterprise and regional economic development strategies, as defined in guidelines set by Workforce Florida, Inc. Workforce Florida, Inc., shall develop guidelines to identify such needs and strategies based on localized research of private employers and economic development practitioners.*

(d)(e) *Programs identified by Workforce Florida, Inc., the Jobs and Education Partnership as increasing the effectiveness and cost efficiency of education.*

Section 66. Paragraph (d) of subsection (4) of section 239.117, Florida Statutes, is amended to read:

239.117 Workforce development postsecondary student fees.—

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(d) A student enrolled in an employment and training program under the *welfare transition WAGES* program. The *regional workforce board local WAGES coalition* shall pay the community college or school district for costs incurred for *welfare transition program participants WAGES clients*.

Section 67. Paragraph (c) of subsection (2) of section 239.229, Florida Statutes, is amended to read:

239.229 Vocational standards.—

(2)

(c) Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.

2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.

3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.

4. The development of program standards and industry-driven benchmarks for vocational, adult, and community education programs, *which must be updated every 3 years. The standards must include technical, academic, and workplace skills; viability of distance learning for instruction; and work/learn cycles that are responsive to business and industry.*

5. Overseeing school district and community college compliance with the provisions of this chapter.

6. Ensuring that the educational outcomes for the technical component of workforce development programs and secondary vocational job-preparatory programs are uniform and designed to provide a graduate of high quality who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

7. *No school board or public school shall require a student to participate in any school-to-work or job training program. A school board or school shall not require a student to meet occupational standards for grade level promotion or graduation unless the student is voluntarily enrolled in a job training program.*

Section 68. Paragraph (a) of subsection (3) and paragraph (e) of subsection (4) of section 239.301, Florida Statutes, are amended to read:

239.301 Adult general education.—

(3)(a) Each school board or community college board of trustees shall negotiate with *the regional workforce board local personnel of the De-*

*partment of Children and Family Services* for basic and functional literacy skills assessments for participants in the *welfare transition* employment and training programs under the *WAGES* Program. Such assessments shall be conducted at a site mutually acceptable to the school board or community college board of trustees and the *regional workforce board Department of Children and Family Services*.

(4)

(e) A district school board or a community college board of trustees may negotiate a contract with the *regional workforce board local WAGES coalition* for specialized services for *participants in the welfare transition program WAGES clients*, beyond what is routinely provided for the general public, to be funded by the *regional workforce board WAGES coalition pursuant to s. 414.065*.

Section 69. Subsection (3) of section 239.514, Florida Statutes, is amended to read:

239.514 Workforce Development Capitalization Incentive Grant Program.—The Legislature recognizes that the need for school districts and community colleges to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts and community colleges on a competitive basis to fund some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs.

(3) The commission shall give highest priority to programs that train people to enter high-skill, high-wage occupations identified by the *Workforce Estimating occupational forecasting* Conference and other programs approved by *Workforce Florida, Inc. the Jobs and Education Partnership*; programs that train people to enter occupations *under the welfare transition program on the WAGES list*; or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers. The commission shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.

Section 70. Paragraph (b) of subsection (5) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(5) The Board of Regents is responsible for:

(b) Coordinating with the Postsecondary Education Planning Commission the programs, including doctoral programs, to be reviewed every 5 years or whenever the board determines that the effectiveness or efficiency of a program is jeopardized. The board shall define the indicators of quality and the criteria for program review for every program. Such indicators shall include need, student demand, *industry-driven competencies for advanced technology and related programs*, and resources available to support continuation. The results of the program reviews shall be tied to the university budget requests.

Section 71. Section 240.312, Florida Statutes, is amended to read:

240.312 Community colleges; program review.—Program reviews for the community college system shall be coordinated with the Postsecondary Education Planning Commission every year. Every major program shall be reviewed every 5 years or whenever the effectiveness or efficiency of a program is jeopardized, *except that certificate career education programs and programs leading to an associate in science degree shall be reviewed every 3 years*. Indicators of quality and criteria for the program reviews shall be defined. The results of these program reviews shall be tied to the budget request for the community college system.

Section 72. Subsection (3) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(3) Students enrolled in dual enrollment and early admission programs under s. 240.116 and students enrolled in employment and training programs under the *welfare transition WAGES* program are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. The *regional workforce board local WAGES coalition* shall pay the community college for costs incurred by that *WAGES* participant related to that person's classes or program. Other fee-exempt instruction provided under this subsection generates an additional one-fourth full-time equivalent enrollment.

Section 73. Paragraph (a) of subsection (1) of section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Completes the secondary school portion of a sequential program of studies that requires at least three secondary school vocational credits taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by the *Workforce Estimating Occupational Forecasting Conference* or the *Workforce Florida, Inc., Development Board of Enterprise Florida* for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. On-the-job training may not be substituted for any of the three required vocational credits.

Section 74. Section 240.40685, Florida Statutes, is amended to read:

240.40685 Certified Education Paraprofessional Welfare Transition Program.—

(1) There is created the Certified Education Paraprofessional Welfare Transition Program to provide education and employment for recipients of public assistance who are certified to work in schools that, because of the high proportion of economically disadvantaged children enrolled, are at risk of poor performance on traditional measures of achievement. The program is designed to enable such schools to increase the number of adults working with the school children. However, the increase in personnel working at certain schools is intended to supplement and not to supplant the school staff and should not affect current school board employment and staffing policies, including those contained in collective bargaining agreements. The program is intended to be supported by local, state, and federal program funds for which the participants may be eligible. Further, the program is designed to provide its participants not only with entry-level employment but also with a marketable credential, a career option, and encouragement to advance.

(2) The Commissioner of Education, the Executive Director of the State Board of Community Colleges, the secretary of the Department of Children and Family Services, and the *director of the Agency for Workforce Innovation Secretary of Labor and Employment Security* have joint responsibility for planning and conducting the program.

(3) The agencies responsible may make recommendations to the State Board of Education and the Legislature if they find that implementation or operation of the program would benefit from the adoption or waiver of state or federal policy, rule, or law, including recommendations regarding program budgeting.

(4) The agencies shall complete an implementation plan that addresses at least the following recommended components of the program:

(a) A method of selecting participants. The method must not duplicate services provided by those assigned to screen participants of the *welfare transition WAGES* program, but must assure that screening personnel are trained to identify recipients of public assistance whose personal aptitudes and motivation make them most likely to succeed in the program and advance in a career related to the school community.

(b) A budget for use of incentive funding to provide motivation to participants to succeed and excel. The budget for incentive funding includes:

1. Funds allocated by the Legislature directly for the program.
2. Funds that may be made available from the federal *Workforce Investment Job Training Partnership* Act based on client eligibility or requested waivers to make the clients eligible.
3. Funds made available by implementation strategies that would make maximum use of work supplementation funds authorized by federal law.
4. Funds authorized by strategies to lengthen participants' eligibility for federal programs such as Medicaid, subsidized child care, and transportation.

Incentives may include a stipend during periods of college classroom training, a bonus and recognition for a high grade-point average, child care and prekindergarten services for children of participants, and services to increase a participant's ability to advance to higher levels of employment. Nonfinancial incentives should include providing a mentor or tutor, and service incentives should continue and increase for any participant who plans to complete the baccalaureate degree and become a certified teacher. Services may be provided in accordance with family choice by community colleges and school district technical centers, through family service centers and full-service schools, or under contract with providers through central agencies.

(5) The agencies shall select Department of Children and Family Services districts to participate in the program. A district that wishes to participate must demonstrate that a district school board, a community college board of trustees, an economic services program administrator, and a *regional workforce board private industry council* are willing to coordinate to provide the educational program, support services, employment opportunities, and incentives required to fulfill the intent of this section.

(6)(a) A community college or school district technical center is eligible to participate if it provides a technical certificate program in Child Development Early Intervention as approved by *Workforce Florida, Inc., the Jobs and Education Partnership* and it is participating in the *Performance Based Incentive Funding* program authorized in s. 239.249. Priority programs provide an option and incentives to articulate with an associate in science degree program or a baccalaureate degree program.

(b) A participating educational agency may earn funds appropriated for performance-based incentive funding for successful outcomes of enrollment and placement of recipients of public assistance who are in the program. In addition, an educational agency is eligible for an incentive award determined by *Workforce Florida, Inc., the Jobs and Education Partnership* for each recipient of public assistance who successfully completes a program leading to the award of a General Education Development credential.

(c) Historically black colleges or universities that have established programs that serve participants *in the welfare transition of the WAGES* program are eligible to participate in the Performance Based Incentive Funding Program and may earn an incentive award determined by *Workforce Florida, Inc., the Jobs and Education Partnership* for successful placement of program completers in jobs as education paraprofessionals in at-risk schools.

(7)(a) A participating school district shall identify at-risk schools in which the program participants will work during the practicum part of their education. For purposes of this act, an at-risk school is a school with grades K-3 in which 50 percent or more of the students enrolled at the school are eligible for free lunches or reduced-price lunches. Priority schools are schools whose service zones include the participants' own communities.

(b) A participating school district may use funds appropriated by the Legislature from Job Training Partnership Act service delivery area allotments to provide at least 6 months of on-the-job training to participants in the Certified Education Paraprofessional Welfare Transition Program. Participating school districts may also use funds provided by grant diversion of funds from the *welfare transition WAGES* program for the participants during the practicum portion of their training to earn the certificate required for their employment.

(8) The agencies shall give priority for funding to those programs that provide maximum security for the long-range employment and career opportunities of the program participants. Security is enhanced if employment is provided through a governmental or nongovernmental agency other than the school board, or if the plans assure in another way that the participants will supplement, rather than supplant, the workforce available to the school board. It is the intent of the Legislature that, when a program participant succeeds in becoming a certified education paraprofessional after working successfully in a school during the practicum or on-the-job training supported by the program, the participant shall have the opportunity to continue in full-time employment at the school that provided the training or at another school in the district.

Section 75. Subsection (2) of section 240.61, Florida Statutes, is amended to read:

240.61 College reach-out program.—

(2) In developing the definition for “low-income educationally disadvantaged student,” the State Board of Education shall include such factors as: the family’s taxable income; family receipt of temporary *cash* assistance under the WAGES Program in the preceding year; family receipt of public assistance in the preceding year; the student’s cumulative grade point average; the student’s promotion and attendance patterns; the student’s performance on state standardized tests; the student’s enrollment in mathematics and science courses; and the student’s participation in a dropout prevention program.

Section 76. Section 246.50, Florida Statutes, is amended to read:

246.50 Certified Teacher-Aide Welfare Transition Program; participation by independent postsecondary schools.—An independent postsecondary school may participate in the Certified Teacher-Aide Welfare Transition Program and may receive incentives for successful performance from the Performance Based Incentive Funding Program if:

(1) The school is accredited by the Southern Association of Colleges and Schools and licensed by the State Board of Nonpublic Career Education;

(2) The school serves recipients of temporary *cash* assistance under the WAGES Program in a certified teacher-aide program;

(3) A participating school district recommends the school to *Workforce Florida, Inc.* the Jobs and Education Partnership; and

(4) *Workforce Florida, Inc.*, The Jobs and Education Partnership approves.

Section 77. Section 288.046, Florida Statutes, is amended to read:

288.046 Quick-response training; legislative intent.—The Legislature recognizes the importance of providing a skilled workforce for attracting new industries and retaining and expanding existing businesses and industries in this state. It is the intent of the Legislature that a program exist to meet the short-term, immediate, workforce-skill needs of such businesses and industries. It is further the intent of the Legislature that funds provided for the purposes of s. 288.047 be expended on businesses and industries that support the state’s economic development goals, particularly high value-added businesses in Florida’s Targeted Industrial Clusters or businesses that locate in and provide jobs in the state’s distressed urban and rural areas, and that instruction funded pursuant to s. 288.047 lead to permanent, quality employment opportunities.

Section 78. Section 288.047, Florida Statutes, is amended to read:

288.047 Quick-response training for economic development.—

(1) The Quick-Response Training Program is created to meet the workforce-skill needs of existing, new, and expanding industries. The program shall be administered by *Workforce Enterprise Florida, Inc.*, in conjunction with *Enterprise Florida, Inc.*, and the Department of Education. *Workforce Enterprise Florida, Inc.*, shall adopt guidelines for the administration of this program. *Workforce Enterprise Florida, Inc.*, shall provide technical services and shall identify businesses that seek services through the program. *Workforce Florida, Inc.* may contract with *Enterprise Florida, Inc.*, or administer this program directly, if it is determined that such an arrangement maximizes the amount of the

*Quick Response grant going to direct services.* The Department of Education shall provide services related to the development and implementation of instructional programs.

(2)(a) A Quick-Response Advisory Committee, composed of the director of the Division of Workforce Development of the Department of Education; the director of the Division of Community Colleges of the Department of Education; and the director of the Division of Jobs and Benefits of the Department of Labor and Employment Security, or their respective designees, and four private sector members, shall review training funded through this program and shall provide policy advice to *Enterprise Florida, Inc.*, in the implementation of this program. The committee shall elect a chair from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(b) The four private sector members appointed to the Quick-Response Advisory Committee must be selected from a slate of nominees submitted by the board of directors of *Enterprise Florida, Inc.* The president of *Enterprise Florida, Inc.*, shall appoint private sector members from this slate for terms of 4 years, except that in making the initial appointments, the president shall appoint members for staggered terms, one for 1 year, 2 years, 3 years, and 4 years, respectively. To the maximum extent possible, the president shall select private sector members who are representative of diverse industries and regions of the state. The importance of minority representation must be considered when making appointments for each private sector position. Private sector members may be removed for cause. Absence from three consecutive meetings results in the automatic removal of a private sector member.

(c) The Quick-Response Advisory Committee shall meet at the call of its chair, at the request of a majority of the membership, at the request of *Enterprise Florida, Inc.*, or at times prescribed by its rules. The committee shall serve to advise *Enterprise Florida, Inc.*, regarding the administration of the Quick-Response Training Program.

(2)(3) *Workforce Enterprise Florida, Inc.*, shall ensure that instruction funded pursuant to this section is not available through the local community college or school district, or private industry council and that the instruction promotes economic development by providing specialized training entry-level skills to new workers or retraining for supplemental skills to current employees to meet changing skill requirements caused by new technology or new product lines and to prevent potential layoffs whose job descriptions are changing. Such funds may not be expended to subsidize the ongoing staff development program of any business or industry or to provide training for instruction related to retail businesses or to reimburse businesses for trainee wages. 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 *Workforce Enterprise Florida, Inc.*, determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3)(4) Requests for funding through the Quick-Response Training Program may be produced through inquiries from a specific business or industry, inquiries from a school district director of career education or community college occupational dean on behalf of a business or industry, or through official state or local economic development efforts. In allocating funds for the purposes of the program, *Workforce Enterprise Florida, Inc.*, shall establish criteria for approval of requests for funding and shall select the entity that provides the most efficient, cost-effective instruction meeting such criteria. Program funds may be allocated to any area technical center, community college, or state university. Program funds may be allocated to private postsecondary institutions only upon a review that includes, but is not limited to, accreditation and licensure documentation and prior approval by *Workforce Florida, Inc.* a majority of the advisory committee. Instruction funded through the program must terminate when participants demonstrate competence at the level specified in the request; however, the grant term instruction may not exceed 24 18 months. Costs and expenditures for the Quick-Response Training Program must be documented and separated from those incurred by the training provider.

(4)(5) For the first 6 months of each fiscal year, *Workforce Enterprise Florida, Inc.*, shall set aside 30 percent of the amount appropriated for the Quick-Response Training Program by the Legislature to fund instructional programs for businesses located in an enterprise zone or

~~brownfield area to instruct residents of an enterprise zone. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide funding for any program qualifying for funding pursuant to this section.~~

(5)(6) Prior to the allocation of funds for any request pursuant to this section, ~~Workforce Enterprise Florida, Inc., shall prepare a grant agreement between the business or industry requesting funds, the educational institution receiving funding through the program, and Workforce Enterprise Florida, Inc. Such agreement must include, but is not limited to:~~

~~(a) An identification of the facility in which the instruction will be conducted and the respective responsibilities of the parties for paying costs associated with facility use.~~

~~(b) An identification of the equipment necessary to conduct the program, the respective responsibilities of the parties for paying costs associated with equipment purchase, maintenance, and repair, as well as an identification of which party owns the equipment upon completion of the instruction.~~

~~(a)(e) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.~~

~~(b)(d) An identification of the estimated length of the instructional program. Such program may not exceed 12 months of full time instruction or 18 months of total instruction.~~

~~(c) An identification of all direct, training-related costs, including tuition and fees, curriculum development, books and classroom materials, and overhead or indirect costs, not to exceed 5 percent of the grant amount.~~

~~(d)(e) An identification of special program requirements that are not addressed otherwise in the agreement.~~

~~(e)(f) Permission to access information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes. Information which, if released, would disclose the identity of the person to whom the information pertains or disclose the identity of the person's employer is confidential and exempt from the provisions of s. 119.07(1). The agreement must specify that any evaluations published subsequent to the instruction may not identify the employer or any individual participant.~~

~~(6)(7) For the purposes of this section, Workforce Enterprise Florida, Inc., may accept grants of money, materials, services, or property of any kind from any agency, corporation, or individual.~~

~~(8) Enterprise Florida, Inc., may procure equipment as necessary to meet the purposes of this section. Title to and control of such equipment is vested in the Department of Education. Upon the conclusion of instruction, the Department of Education may transfer title to the district school board, community college district board of trustees, or Board of Regents on behalf of a specific state university, where the equipment is physically located. The department may also lease such equipment to the district school board, community college district board of trustees, or Board of Regents for a maximum of 1 year. Such lease may provide for automatic renewal. Either party to a lease has the right to cancel the lease upon a 60-day notice in writing. Any equipment for which no title transfer or lease exists must be returned to a warehouse reserve and be available for use by an instructional program in any area of the state.~~

(7)(9) In providing instruction pursuant to this section, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, produced, ascertained, or discovered by employees of the respective departments, district school boards, community college district boards of trustees, or other personnel employed for the purposes of this section is confidential and exempt from the provisions of s. 119.07(1). The state may seek copyright protection for all instructional materials and ancillary written documents developed wholly or partially with state funds as a result of instruction provided pursuant to this section, *except for materials that are confidential and exempt from the provisions of s. 119.07(1).*

~~(8)(10) There is created a Quick-Response Training Program for Work and Gain Economic Self-sufficiency (WAGES) participants in the welfare transition program. Workforce Enterprise Florida, Inc., may, at the discretion of the State WAGES Emergency Response Team, award quick-response training grants and develop applicable guidelines for the training of participants in the welfare transition WAGES program. In addition to a local economic development organization, grants must be endorsed by the applicable local WAGES coalition and regional workforce development board.~~

~~(a) Training funded pursuant to this subsection may not exceed 12 months, and may be provided by the local community college, school district, regional workforce development board, or the business employing the participant, including on-the-job training. Training will provide entry-level skills to new workers, including those employed in retail, who are participants in the welfare transition WAGES program.~~

~~(b) WAGES Participants trained pursuant to this subsection must be employed at a wage not less than \$6 \$6.00 per hour.~~

~~(c) Funds made available pursuant to this subsection may be expended in connection with the relocation of a business from one community to another community if approved by Workforce Florida, Inc. the State WAGES Emergency Response Team.~~

~~(9) Notwithstanding any other provision of law, eligible matching contributions received under the Quick-Response Training Program under this section may be counted toward the private-sector support of Enterprise Florida, Inc., under s. 288.90151(5)(d).~~

~~(10) Workforce Florida, Inc., and Enterprise Florida, Inc., shall ensure maximum coordination and cooperation in administering this section, in such a manner that any division of responsibility between the two organizations which relates to marketing or administering the Quick-Response Training Program is not apparent to a business that inquires about or applies for funding under this section. The organizations shall provide such a business with a single point of contact for information and assistance.~~

Section 79. Subsection (7) of section 288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.—

(7) REDI may recommend to the Governor up to three rural areas of critical economic concern. A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development opportunity of regional impact that will create more than 1,000 jobs over a 5-year period. The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the WAGES Quick Response Training Program for participants in the welfare transition program under s. 288.047(8) s.—288.047(10), transportation projects under s. 288.063, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895. Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the Office of Tourism, Trade, and Economic Development; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

Section 80. Paragraph (f) of subsection (3) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(3) Enterprise Florida, Inc., shall be governed by a board of directors. The board of directors shall consist of the following members:

(f) The chairperson of the board of directors of ~~the Workforce Florida, Inc. Development Board.~~

Section 81. Paragraph (i) of subsection (1) of section 288.904, Florida Statutes, is amended to read:

288.904 Powers of the board of directors of Enterprise Florida, Inc.—

(1) The board of directors of Enterprise Florida, Inc., shall have the power to:

(i) Use the state seal, notwithstanding the provisions of s. 15.03, when appropriate, to establish that Enterprise Florida, Inc., is the principal economic, ~~workforce~~, and trade development organization for the state, and for other standard corporate identity applications. Use of the state seal is not to replace use of a corporate seal as provided in this section.

Section 82. Subsections (1) and (3) of section 288.905, Florida Statutes, are amended to read:

288.905 Duties of the board of directors of Enterprise Florida, Inc.—

(1) In the performance of its functions and duties, the board of directors may establish, implement, and manage policies, strategies, and programs for Enterprise Florida, Inc., and its boards. These policies, strategies, and programs shall promote business formation, expansion, recruitment, and retention through aggressive marketing ~~and~~ international development and export assistance; ~~and workforce development~~, which together lead to more and better jobs with higher wages for all geographic regions and communities of the state, including rural areas and urban core areas, and for all residents, including minorities. In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards, any advisory committees or similar groups created by Enterprise Florida, Inc., and local and regional partners.

(3)(a) The strategic plan required under this section shall include, but is not limited to, strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, international development, and export assistance, ~~and workforce development programs~~ which lead to more and better jobs and higher wages for all geographic regions and disadvantaged communities and populations of the state, including rural areas, minority businesses, and urban core areas. Further, the strategic plan shall give consideration to the economic diversity of the state and its regions and their associated industrial clusters and develop realistic policies and programs to further their development.

(b)1. The strategic plan required under this section shall include specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state.

2. Enterprise Florida, Inc., shall involve local governments, local and regional economic development organizations, and other local, state, and federal economic, international, and workforce development entities, both public and private, in developing and carrying out policies, strategies, and programs, seeking to partner and collaborate to produce enhanced public benefit at a lesser cost.

3. Enterprise Florida, Inc., shall involve rural, urban, small-business, and minority-business development agencies and organizations, both public and private, in developing and carrying out policies, strategies, and programs.

~~(c) The strategic plan required under this section shall include the creation of workforce training programs that lead to better employment opportunities and higher wages.~~

~~(c)(d)~~ The strategic plan required under this section shall include the promotion of the successful long-term economic development of the state with increased emphasis in market research and information to local economic development entities and generation of foreign investment in the state that creates jobs with above-average wages, internationalization of this state, with strong emphasis in reverse investment that creates high wage jobs for the state and its many regions, including

programs that establish viable overseas markets, generate foreign investment, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs which will assure requisite skills and competencies necessary to compete successfully in the global marketplace.

~~(d)(e)~~ The strategic plan required under this section shall include the identification of business sectors that are of current or future importance to the state's economy and to the state's worldwide business image, and development of specific strategies to promote the development of such sectors.

Section 83. Paragraph (f) of subsection (1) of section 288.906, Florida Statutes, is amended to read:

288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.—

(1) Prior to December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report including, but not limited to:

(f) An assessment of ~~employee training and job creation~~ that directly benefits participants in the ~~welfare transition~~ WAGES program.

The detailed report required by this subsection shall also include the information identified in paragraphs (a)-(g), if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

Section 84. Subsection (4) of section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), on July 1, 1999, and annually thereafter, \$10 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in chapter 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(a) For any seaport intermodal access projects that are identified in the 1997-1998 Tentative Work Program of the Department of Transportation, up to the amounts needed to offset the funding requirements of this section; ~~and~~

(b) For seaport intermodal access projects as described in s. 341.053(5) that are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds; ~~or~~

(c) On a 50-50 matching basis for projects as described in s. 311.07(3)(b); ~~or~~

(d) For seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of wharves, docks, or similar structures. Funding for such projects shall require a 25 percent match of the funds received pursuant to this subsection. Matching funds shall come from any port funds, federal funds, local funds, or private funds.

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit

support to permit such borrowings. However, such debt shall not constitute a general obligation of the state. This state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and subsection (3). The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects that have been approved pursuant to s. 311.09(5)-(9), or for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the FSTED Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of WAGES participants *in the welfare transition program*. The goal for employment of WAGES participants *in the welfare transition program* is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council ~~demonstrates can demonstrate to the satisfaction of the Secretary of Labor and Employment Security~~ that such a requirement would severely hamper the successful completion of the project. In such an instance, ~~Workforce Florida, Inc., the Secretary of Labor and Employment Security~~ shall establish an appropriate percentage of employees that must be WAGES participants *in the welfare transition program*. The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.

Section 85. Paragraph (c) of subsection (9) of section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(9)

(c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, when the seizing agency obtains a final judgment granting forfeiture of the motor vehicle under this section, 30 percent of the net proceeds from the sale of the motor vehicle shall be retained by the seizing law enforcement agency and 70 percent shall be deposited in the General Revenue Fund for use by *regional workforce boards local WAGES coalitions* in providing transportation services for participants of the *welfare transition WAGES program*. In a forfeiture proceeding under this section, the court may consider the extent that the family of the owner has other public or private means of transportation.

Section 86. Subsection (1) of section 341.052, Florida Statutes, is amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to "Section 9" providers and "Section 18" providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located. In developing public transportation development plans, eligible providers must solicit comments from *regional workforce boards local WAGES coalitions* established under chapter 445 414. The development plans must address how the public transit provider will work with the appropriate *regional workforce board local WAGES coalition* to provide services to WAGES participants *in the welfare transition program*. Eligible providers must review ~~program and financial plans established~~

~~under s. 414.028 and~~ provide information to the *regional workforce board local WAGES coalition* serving the county in which the provider is located regarding the availability of transportation services to assist WAGES program participants.

Section 87. Subsections (1) and (8) of section 402.3015, Florida Statutes, are amended, and subsection (10) is added to said section, to read:

402.3015 Subsidized child care program; purpose; fees; contracts.—

(1) The purpose of the subsidized child care program is to provide quality child care to enhance the development, including language, cognitive, motor, social, and self-help skills of children who are at risk of abuse or neglect and children of low-income families, and to promote financial self-sufficiency and life skills for the families of these children, unless prohibited by federal law. Priority for participation in the subsidized child care program shall be accorded to children under 13 years of age who are:

(a) Determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the department's Children and Families Program Office;

(b) Children at risk of welfare dependency, including children of participants in the *welfare transition WAGES program*, children of migrant farmworkers, children of teen parents, and children from other families at risk of welfare dependency due to a family income of less than 100 percent of the federal poverty level;

(c) Children of working families whose family income is equal to or greater than 100 percent, but does not exceed 150 percent, of the federal poverty level; and

(d) Children of working families enrolled in the Child Care Executive Partnership Program whose family income does not exceed 200 percent of the federal poverty level; and

(e) *Children of working families who participate in the diversion program to strengthen Florida's families under s. 445.018.*

(8) The community child care coordinating agencies shall assist participants in the *welfare transition WAGES program* and former participants of the program who are eligible for subsidized child care in developing cooperative child care arrangements whereby participants support and assist one another in meeting child care needs at minimal cost to the individual participant.

(10) *A family that is eligible to participate in the subsidized child care program shall be considered a needy family for purposes of the program funded through the federal Temporary Assistance for Needy Families (TANF) block grant, to the extent permitted by the appropriation of funds.*

Section 88. Paragraph (g) of subsection (1) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.—

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

(g) "State and federal aid" means cash assistance or cash equivalent benefits based on an individual's proof of financial need, including, but not limited to, temporary *cash assistance under the WAGES Program* and food stamps.

Section 89. Paragraph (a) of subsection (3) of section 402.40, Florida Statutes, is amended to read:

402.40 Child welfare training academies established; Child Welfare Standards and Training Council created; responsibilities of council; Child Welfare Training Trust Fund created.—

(3) CHILD WELFARE STANDARDS AND TRAINING COUNCIL.—

(a) There is created within the Department of Children and Family Services the Child Welfare Training Council, hereinafter referred to as the council. The 21-member council shall consist of the Commissioner of Education or his or her designee; a member of the judiciary who has experience in the area of dependency and has served at least 3 years in the Juvenile Division of the circuit court, to be appointed by the Chief

Justice of the Supreme Court; and 19 members to be appointed by the Secretary of Children and Family Services as follows:

1. Nine members shall be dependency program staff:
  - a. An intake supervisor or counselor, a protective services supervisor or counselor, a foster care supervisor or counselor, and an adoption and related services supervisor or counselor. Each such member shall have at least 5 years' experience working with children and families, at least two members shall each have a master's degree in social work, and any member not having a master's degree in social work shall have at least a bachelor's degree in social work, child development, behavioral psychology, or any other discipline directly related to providing care or counseling for families.
  - b. A representative from a licensed, residential child-caring agency contracted with by the state; a representative from a runaway shelter or similar program primarily serving adolescents, which shelter or program must be contracted with by the state; and a representative from a licensed child-placing agency contracted with by the state. At least two of these members shall each have a master's degree in social work, and any member not having a master's degree in social work shall have a degree as cited in sub-subparagraph a. All three members shall have at least 5 years' experience working with children and families.
  - c. A family foster home parent and an emergency shelter home parent, both of whom shall have been providing such care for at least 5 years and shall have participated in training for foster parents or shelter parents on an ongoing basis.
2. One member shall be a supervisor or counselor from the *temporary cash assistance WAGES* program.
3. Two members shall be educators from the state's university and community college programs of social work, child development, psychology, sociology, or other field of study pertinent to the training of dependency program staff.
4. One member shall be a pediatrician with expertise in the area of child abuse and neglect.
5. One member shall be a psychiatrist or licensed clinical psychologist with extensive experience in counseling children and families.
6. One member shall be an attorney with extensive experience in the practice of family law.
7. One member shall be a guardian ad litem or a child welfare attorney, either of whom shall have extensive experience in the representation of children.
8. One member shall be a state attorney with experience and expertise in the area of dependency and family law.
9. One member shall be a representative from a local law enforcement unit specializing in child abuse and neglect.
10. One member shall be a lay citizen who is a member of a child advocacy organization.

The initial members of the council shall be appointed within 30 days of the effective date of this section. Of the initial appointments, the member appointed by the Chief Justice of the Supreme Court, three members appointed pursuant to subparagraph 1., one member appointed pursuant to subparagraph 3., and the members specified in subparagraphs 4. and 5. shall be appointed to terms of 3 years each; three members appointed pursuant to subparagraph 1., one of the members appointed pursuant to subparagraph 3., and the members specified in subparagraphs 2., 6., and 7. shall be appointed for terms of 2 years each; and three members appointed pursuant to subparagraph 1., and the members specified in subparagraphs 8., 9., and 10. shall be appointed to terms of 1 year each. Thereafter, all appointed members shall serve terms of 3 years each. No person shall serve more than two consecutive terms.

Section 90. Subsection (4) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(4) A community resource mother or father shall be an individual who by residence and resources is able to identify with the target population, and meets the following minimum criteria:

- (a) Is at least 25 years of age.
- (b) Is a mother or father.
- (c) Is a recipient of temporary *cash* assistance ~~under the WAGES Program~~ or a person with an income below the federal poverty level, or has an income equivalent to community clients.

Section 91. Subsection (3) of section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; comprehensive plan amendments.—

(3)(a) The Governor, through the office, shall direct the creation of regional permit action teams, for the purpose of expediting review of permit applications and local comprehensive plan amendments submitted by:

1. Businesses creating at least 100 jobs, or
2. Businesses creating at least 50 jobs if the project is located in an enterprise zone, or in a county having a population of less than 75,000 or in a county having a population of less than 100,000 which is contiguous to a county having a population of less than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county, or

(b) On a case-by-case basis and at the request of a county or municipal government, the office may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the office to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in which the project may be located, the office shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;
2. The project's potential to diversify and strengthen the area's economy;
3. The amount of capital investment; and
4. The number of jobs that will be made available for persons served by the *welfare transition WAGES* program.

(c) At the request of a county or municipal government, the office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per *participant in the welfare transition program WAGES* client, as determined by the Workforce Florida, Inc. Development Board of Enterprise Florida, is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

Section 92. Subsection (7) of section 409.2554, Florida Statutes, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2598, the term:

(7) "Public assistance" means food stamps, money assistance paid on the basis of Title IV-E and Title XIX of the Social Security Act, or temporary cash assistance ~~paid under the WAGES Program~~.

Section 93. Subsection (7) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(7) In a judicial circuit with a work experience and job training pilot project, if the obligor is a noncustodial parent of a child receiving public

assistance as defined in this chapter, is unemployed or underemployed or has no income, then the court shall order the obligor to seek employment, if the obligor is able to engage in employment, and to immediately notify the court upon obtaining employment, upon obtaining any income, or upon obtaining any ownership of any asset with a value of \$500 or more. If the obligor is still unemployed 30 days after any order for support, the court shall order the obligor to enroll in a work experience, job placement, and job training program for ~~noncustodial parents as established in s. 414.38.~~

Section 94. Subsection (1) of section 409.259, Florida Statutes, is amended to read:

409.259 Partial payment of filing fees.—

(1) Notwithstanding s. 28.241, each clerk of the circuit court shall only be reimbursed at the prevailing rate of federal financial participation on the amount of \$40 for each civil action, suit, or proceeding for support instituted in the circuit court in which the parent is not receiving temporary *cash* assistance under the WAGES Program. The prevailing rate of the state match shall be paid by the local government in the form of a certified public expenditure. The clerk of the circuit court shall bill the department monthly. The clerk of the circuit court and the department shall maintain a monthly log of the number of civil actions, suits, or proceedings filed in which the parent does not receive temporary assistance. These monthly logs will be used to determine the number of \$40 filings the clerk of court may submit for reimbursement at the prevailing rate of federal financial participation.

Section 95. Paragraph (c) of subsection (1) 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 agency determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) Low-income families with children are eligible for Medicaid provided they meet the following requirements:

(c) The family's countable income and resources do not exceed the applicable Aid to Families with Dependent Children (AFDC) income and resource standards under the AFDC state plan in effect in July 1996, except as amended in the Medicaid state plan to conform as closely as possible to the requirements of the *welfare transition* WAGES program ~~as created in s. 414.015~~, to the extent permitted by federal law.

Section 96. Section 409.942, Florida Statutes, is amended to read:

409.942 Electronic benefit transfer program.—

(1) The Department of Children and Family Services shall establish an electronic benefit transfer program for the dissemination of food stamp benefits and temporary assistance payments, including refugee cash assistance payments, asylum applicant payments, and child support disregard payments. If the Federal Government does not enact legislation or regulations providing for dissemination of supplemental security income by electronic benefit transfer, the state may include supplemental security income in the electronic benefit transfer program.

(2) The department shall, in accordance with applicable federal laws and regulations, develop minimum program requirements and other policy initiatives for the electronic benefit transfer program ~~and shall have at least one operational pilot program in place by July 1, 1996.~~

(3) The department shall enter into public-private contracts for all provisions of electronic transfer of public assistance benefits, including, but not limited to, the necessary electronic equipment and technical support for the electronic benefit transfer pilot program.

(4) *Workforce Florida, Inc., through the Agency for Workforce Innovation, shall establish an electronic benefit transfer program for the use and management of education, training, childcare, transportation, and other program benefits under its direction. The workforce electronic benefit transfer program shall fulfill all federal and state requirements for Individual Training Accounts, Retention Incentive Training Accounts, Individual Development Accounts, and Individual Services Accounts. The*

*workforce electronic benefit transfer program shall be designed to enable an individual who receives an electronic benefit transfer card under subsection (1) to use that card for purposes of benefits provided under the workforce development system as well. The Department of Children and Family Services shall assist Workforce Florida, Inc., in developing an electronic benefit transfer program for the workforce development system that is fully compatible with the department's electronic benefit transfer program. The agency shall reimburse the department for all costs incurred in providing such assistance and shall pay all costs for the development of the workforce electronic benefit transfer program.*

Section 97. Paragraph (b) of subsection (4) and paragraph (a) of subsection (6) of section 411.01, Florida Statutes, are amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.—

(b)1. The Florida Partnership for School Readiness shall include the Lieutenant Governor or his or her designee, the Commissioner of Education, the Secretary of Children and Family Services, the Secretary of Health, the chair of the Child Care Executive Partnership Board, and the chairperson of the ~~WAGES Program State~~ board of directors of *Workforce Florida, Inc.*

2. The partnership shall also include 10 members of the public who shall be business, community, and civic leaders in the state who are not elected to public office. These members and their families must not be providers in the early education and child care industry. The members must be geographically and demographically representative of the state. Each member shall be appointed by the Governor. Eight of the members shall be appointed from a list of 10 nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. Members shall be appointed to 4-year terms of office. However, of the initial appointees, two shall be appointed to 1-year terms, two shall be appointed to 2-year terms, three shall be appointed to 3-year terms, and three shall be appointed to 4-year terms. The members of the partnership shall elect a chairperson annually from the nongovernmental members of the partnership. Any vacancy on the partnership shall be filled in the same manner as the original appointment.

To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the partnership must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.

(6) PROGRAM ELIGIBILITY.—The school readiness program shall be established for children under the age of kindergarten eligibility. Priority for participation in the school readiness program shall be given to children who meet one or more of the following criteria:

(a) Children under the age of kindergarten eligibility who are:

1. Children determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the Children and Family Services Program Office of the Department of Children and Family Services.

2. Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the *welfare transition* WAGES program, children of migrant farmworkers, and children of teen parents.

3. Children of working families whose family income does not exceed 150 percent of the federal poverty level.

An "economically disadvantaged" child means a child whose family income is below 150 percent of the federal poverty level. Notwithstanding any change in a family's economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age.

Section 98. Paragraph (a) of subsection (3) of section 411.232, Florida Statutes, is amended to read:

## 411.232 Children's Early Investment Program.—

## (3) ESSENTIAL ELEMENTS.—

(a) Initially, the program shall be directed to geographic areas where at-risk young children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of teenage pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of *single* mothers who *receive temporary cash assistance* ~~participate in the WAGES Program~~, children of teenage parents, low birthweight babies, and very young foster children. To receive funding under this section, an agency, board, council, or provider must demonstrate:

1. Its capacity to administer and coordinate the programs and services in a comprehensive manner and provide a flexible range of services;
2. Its capacity to identify and serve those children least able to access existing programs and case management services;
3. Its capacity to administer and coordinate the programs and services in an intensive and continuous manner;
4. The proximity of its facilities to young children, parents, and other family members to be served by the program, or its ability to provide offsite services;
5. Its ability to use existing federal, state, and local governmental programs and services in implementing the investment program;
6. Its ability to coordinate activities and services with existing public and private, state and local agencies and programs such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all the foregoing intended to assist children and families at risk;
7. How its plan will involve project participants and community representatives in the planning and operation of the investment program;
8. Its ability to participate in the evaluation component required in this section; and
9. Its consistency with the strategic plan pursuant to s. 411.221.

Section 99. Paragraph (a) of subsection (3) of section 411.242, Florida Statutes, is amended to read:

## 411.242 Florida Education Now and Babies Later (ENABL) program.—

## (3) ESSENTIAL ELEMENTS.—

(a) The ENABL program should be directed to geographic areas in the state where the childhood birth rate is higher than the state average and where the children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of childhood pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of *single* mothers who *receive temporary cash assistance* ~~participate in the WAGES Program~~, children of teenage parents, low birthweight babies, and very young foster children. To receive funding under this section, a community-based local contractor must demonstrate:

1. Its capacity to administer and coordinate the ENABL pregnancy prevention public education program and services for children and their families in a comprehensive manner and to provide a flexible range of age-appropriate educational services.
2. Its capacity to identify and serve those children least able to access existing pregnancy prevention public education programs.

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

4. The proximity of its program to young children, parents, and other family members to be served by the ENABL program, or its ability to provide offsite educational services.

5. Its ability to incorporate existing federal, state, and local governmental educational programs and services in implementing the ENABL program.

6. Its ability to coordinate its activities and educational services with existing public and private state and local agencies and programs, such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all of the foregoing intended to assist children and families at risk.

7. How its plan will involve project participants and community representatives in the planning and operation of the ENABL program.

8. Its ability to participate in the evaluation component required in this section.

9. Its consistency with the strategic plan pursuant to s. 411.221.

10. Its capacity to match state funding for the ENABL program at the rate of \$1 in cash or in matching services for each dollar funded by the state.

Section 100. Subsection (6) of section 413.82, Florida Statutes, is amended to read:

413.82 Definitions.—As used in ss. 413.81-413.93, the term:

(6) "Region" means a service area for a regional workforce ~~development~~ board established by the Workforce *Florida Inc. Development Board*.

Section 101. Paragraph (d) of subsection (1) of section 421.10, Florida Statutes, is amended to read:

421.10 Rentals and tenant selection.—

(1) In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenants selection:

(d) The Department of Children and Family Services, pursuant to 45 C.F.R. s. 233.20(a)(3)(vii)(c), may not consider as income for *recipients of temporary cash assistance* ~~any participants in the WAGES Program~~ assistance received by recipients from other agencies or organizations such as public housing authorities.

Section 102. Subsection (27) of section 427.013, Florida Statutes, is amended to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(27) Ensure that local community transportation coordinators work cooperatively with *regional workforce boards* ~~local WAGES coalitions~~ established in chapter ~~445~~ 444 to provide assistance in the development of innovative transportation services for ~~WAGES~~ participants *in the welfare transition program*.

Section 103. Subsection (9) of section 427.0155, Florida Statutes, is amended to read:

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(9) Work cooperatively with *regional workforce boards* ~~local WAGES coalitions~~ established in chapter 445 414 to provide assistance in the development of innovative transportation services for WAGES participants in the welfare transition program.

Section 104. Subsection (7) of section 427.0157, Florida Statutes, is amended to read:

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(7) Work cooperatively with *regional workforce boards* ~~local WAGES coalitions~~ established in chapter 445 414 to provide assistance in the development of innovative transportation services for WAGES participants in the welfare transition program.

Section 105. Paragraph (b) of subsection (1) of section 443.091, Florida Statutes, is amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual shall be eligible to receive benefits with respect to any week only if the division finds that:

(b) She or he has registered for work at, and thereafter continued to report at, the division, which shall be responsible for notification of the *Agency for Workforce Innovation* ~~Division of Jobs and Benefits~~ in accordance with such rules as the division may prescribe; except that the division may, by rule not inconsistent with the purposes of this law, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs; but no such rule shall conflict with s. 443.111(1).

Section 106. Subsection (8) of section 443.151, Florida Statutes, is amended to read:

443.151 Procedure concerning claims.—

(8) BILINGUAL REQUIREMENTS.—

(a) Based on the estimated total number of households in a county which speak the same non-English language, a single-language minority, the division shall provide printed bilingual instructional and educational materials in the appropriate language in those counties in which 5 percent or more of the households in the county are classified as a single-language minority.

(b) The division shall ensure that *one-stop career centers* ~~jobs and benefits offices~~ and appeals bureaus in counties subject to the requirements of paragraph (c) prominently post notices in the appropriate languages that translators are available in those *centers* ~~offices~~ and bureaus.

(c) Single-language minority refers to households which speak the same non-English language and which do not contain an adult fluent in English. The division shall develop estimates of the percentages of single-language minority households for each county by using data made available by the United States Bureau of the Census.

Section 107. Section 443.181, Florida Statutes, is amended to read:

443.181 State Employment Service.—

(1) A state public employment service is hereby established in the *Agency for Workforce Innovation*, under policy direction from *Workforce Florida, Inc.* ~~Division of Jobs and Benefits~~. The *agency division* shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this chapter and for the purposes of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the

establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes," approved June 6, 1933 (48 Stat. 113; 29 U.S.C. s. 49(c)), as amended. *Notwithstanding any provisions in this section to the contrary, the one-stop delivery system shall be the primary method for delivering services under this section, consistent with Pub. L. No. 105-220 and chapter 445.* It shall be the duty of the *agency division* to cooperate with any official or agency of the United States having power or duties under the provisions of the Act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this state, in conformity with s. 4 of that act, and this state will observe and comply with the requirements thereof. The *Agency for Workforce Innovation* ~~Division of Jobs and Benefits of the Department of Labor and Employment Security~~ is hereby designated and constituted the agency of this state for the purpose of that act. The *agency division* is authorized and directed to appoint sufficient employees to carry out the purposes of this section. The *agency division* may cooperate with or enter into agreements with the Railroad Retirement Board with respect to the establishment, maintenance, and use of free employment service facilities.

(2) FINANCING.—All moneys received by this state under the said Act of Congress, as amended, shall be paid into the Employment Security Administration Trust Fund, and such moneys are hereby made available to the *agency division* to be expended as provided by this chapter and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the *agency division* is authorized to enter into agreements with the Railroad Retirement Board or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this state, or with any private, nonprofit organization, and as a part of any such agreement the *agency division* may accept moneys, services, or quarters as a contribution to the Employment Security Administration Trust Fund.

(3) References to "the *agency division*" in this section mean the *Agency for Workforce Innovation* ~~Division of Jobs and Benefits~~.

Section 108. Subsections (2) and (5) of section 443.211, Florida Statutes, are amended to read:

443.211 Employment Security Administration Trust Fund; appropriation; reimbursement.—

(2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury a special fund, to be known as the "Special Employment Security Administration Trust Fund," into which shall be deposited or transferred all interest on contributions, penalties, and fines or fees collected under this chapter. Interest on contributions, penalties, and fines or fees deposited during any calendar quarter in the clearing account in the Unemployment Compensation Trust Fund shall, as soon as practicable after the close of such calendar quarter and upon certification of the division, be transferred to the Special Employment Security Administration Trust Fund. However, there shall be withheld from any such transfer the amount certified by the division to be required under this chapter to pay refunds of interest on contributions, penalties, and fines or fees collected and erroneously deposited into the clearing account in the Unemployment Compensation Trust Fund. Such amounts of interest and penalties so certified for transfer shall be deemed to have been erroneously deposited in the clearing account, and the transfer thereof to the Special Employment Security Administration Trust Fund shall be deemed to be a refund of such erroneous deposits. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury. These moneys shall not be expended or be available for expenditure in any manner which would permit their substitution for, or permit a corresponding reduction in, federal funds which would, in the absence of these moneys, be available to finance expenditures for the administration of the Unemployment Compensation Law. But nothing in this section shall prevent these moneys from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The moneys in this fund, with the approval of the Executive Office of the Governor, shall be used by the Division of Unemployment Compensation and the *Agency for Workforce Innovation* ~~Division~~

of ~~Jobs and Benefits~~ for the payment of costs of administration which are found not to have been properly and validly chargeable against funds obtained from federal sources. All moneys in the Special Employment Security Administration Trust Fund shall be continuously available to the division for expenditure in accordance with the provisions of this chapter and shall not lapse at any time. All payments from the Special Employment Security Administration Trust Fund shall be approved by the division or by a duly authorized agent thereof and shall be made by the Treasurer upon warrants issued by the Comptroller. The moneys in this fund are hereby specifically made available to replace, as contemplated by subsection (3), expenditures from the Employment Security Administration Trust Fund, established by subsection (1), which have been found by the Bureau of Employment Security, or other authorized federal agency or authority, because of any action or contingency, to have been lost or improperly expended. The Treasurer shall be liable on her or his official bond for the faithful performance of her or his duties in connection with the Special Employment Security Administration Trust Fund.

(5) In connection with its duties under s. 443.181, the *Agency for Workforce Innovation* ~~Division of Jobs and Benefits~~ shall have several authority and responsibility for deposit, requisition, expenditure, approval of payment, reimbursement, and reporting in regard to the trust funds established by this section.

Section 109. Subsection (3) of section 443.221, Florida Statutes, is amended to read:

443.221 Reciprocal arrangements.—

(3) The administration of this chapter and of other state and federal unemployment compensation and public employment service laws will be promoted by cooperation between this state and such other states and the appropriate federal agencies and therefore the division is authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or the Federal Government or both in exchanging services, determining and enforcing payment obligations, and making available facilities and information. The Division of Unemployment Compensation and the *Agency for Workforce Innovation* ~~Division of Jobs and Benefits~~ are each, therefore, authorized to make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other powers provided herein with respect to the administration of this chapter as each deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law and, in like manner, to accept and utilize information, services, and facilities made available to this state by the agency charged with the administration of any such other unemployment compensation or public employment service law.

Section 110. Subsection (6) of section 443.231, Florida Statutes, is amended to read:

443.231 Florida Training Investment Program.—The Florida Training Investment Program is designed to extend additional benefit eligibility to dislocated workers throughout Florida who have lost their jobs, have limited marketable skills, and enroll in vocational training intended to lead to employment in a recognized occupation for which there is labor market demand. Pursuant thereto:

(6) PROCEDURE.—

(a) Any dislocated worker may apply to receive benefits under this section while enrolled in an approved course of training pursuant to this section.

(b) Upon approval of an application the division shall notify both the applicant and the training institution by mail of the applicant's status under this section and shall request the training institution to promptly notify the regular claims reporting office in writing if the participant's attendance or progress should become unsatisfactory.

(c) The division is required to notify applicants of the determination of eligibility by mail at the claimant's last known address. In addition to the initial approval or denial of the applicant, the division shall make any further determinations pursuant to s. 443.151(3) and rules 38B-3.016 and 38B-3.017, Florida Administrative Code.

(d) A determination or redetermination will become final unless the claimant files, by mail or in person at the local *one-stop career center* ~~jobs and benefits office~~, an appeal of a determination or redetermination within 20 calendar days after the mailing of the Notice of Determination or Redetermination to the claimant's last known address, or if such notice is not mailed, within 20 calendar days after the date of delivery of such notice. Appeals by mail shall be considered filed when post-marked by the United States Postal Service.

Section 111. Subsections (2) and (3) of section 446.011, Florida Statutes, are amended to read:

446.011 Legislative intent regarding apprenticeship training.—

(2) It is the intent of the Legislature that the Division of *Workforce Development* ~~Jobs and Benefits~~ of the Department of *Education Labor and Employment Security* have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of Workforce Development of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs ~~in compliance with the standards established by the Division of Jobs and Benefits~~.

(3) It is the further intent of ~~ss. 446.011-446.092~~ *this act* that the Division of *Workforce Development* ~~Jobs and Benefits~~ ensure quality training through the adoption and enforcement of uniform minimum standards and that the Bureau of Apprenticeship ~~of the division of Jobs and Benefits~~ promote, register, monitor, and service apprenticeship and training programs and ensure that such programs adhere to the standards.

Section 112. *The Office of Program Policy Analysis and Government Accountability, in cooperation with Workforce Florida, Inc., and the Department of Education, shall submit a report to the Legislature by January 1, 2002, regarding joint programs, nonjoint programs, and other programs that provide formalized on-the-job training for skilled trades. The report must include recommendations for improving the efficiency of the programs, decreasing the cost of the programs, improving or retaining current practices regarding admission requirements, reducing the duration of the programs, and increasing the number of persons who successfully complete the programs.*

Section 113. Subsections (1), (5), (12), and (13) of section 446.021, Florida Statutes, are amended to read:

446.021 Definitions of terms used in ss. 446.011-446.092.—As used in ss. 446.011-446.092, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Preapprentice" means any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the Division of *Workforce Development* ~~Jobs and Benefits~~ of the Department of *Education Labor and Employment Security*.

(5) "Preapprenticeship program" means an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the Bureau of Apprenticeship of the Division of *Workforce Development* ~~Jobs and Benefits~~ and sponsored by a registered apprenticeship program.

(12) "Division" means the Division of *Workforce Development* ~~Jobs and Benefits~~ of the Department of *Education Labor and Employment Security*.

(13) "Director" means the director of the Division of *Workforce Development* ~~Jobs and Benefits~~.

Section 114. Section 446.032, Florida Statutes, is amended to read:

446.032 General duties of division with respect to apprenticeship training.—The Division of *Workforce Development* ~~Jobs and Benefits~~ shall:

(1) Establish uniform minimum standards and policies governing apprentice programs and agreements. Such standards and policies shall govern the terms and conditions of the apprentice's employment and

training, including the quality training of the apprentice with respect to, but not limited to, such matters as ratios of apprentices to journeymen, safety, related instruction, and on-the-job training; but such standards and policies shall not include rules, standards, or guidelines that require the use of apprentices and job trainees on state, county, or municipal contracts. The division may adopt rules as necessary to carry out such standards and policies.

(2) Establish ~~by rule~~ procedures to be ~~used~~ utilized by the State Apprenticeship *Advisory Council* in accordance with the provisions of s. 446.045.

(3) Establish a Bureau of Apprenticeship pursuant to the instructions of the *Commissioner of Education Secretary of Labor and Employment Security*.

Section 115. Section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of division.—The Division of *Workforce Development Jobs and Benefits* shall:

- (1) Administer the provisions of ss. 446.011-446.092.
- (2) Administer the standards established by the division.
- (3) Register in accordance with this chapter any apprenticeship or preapprenticeship program, regardless of affiliation, which meets standards established by the division.
- (4) Investigate complaints concerning the failure of any registered program to meet the standards established by the division.
- (5) Cancel the registration of any program *that which* fails to comply with the standards and policies of the division or *that which* unreasonably fails or refuses to cooperate with the division in monitoring and enforcing compliance with such standards.
- (6) Develop and encourage apprenticeship programs.
- (7) Cooperate with and assist local apprenticeship sponsors in the development of their apprenticeship standards and training requirements.
- ~~(8) Cooperate with and assist the Division of Workforce Development of the Department of Education and appropriate education institutions in the development of viable apprenticeship and preapprenticeship programs.~~
- ~~(8)(9)~~ Encourage registered apprenticeship programs to grant consideration and credit to individuals completing registered preapprenticeship programs.
- ~~(9)(10)~~ Monitor registered apprenticeship programs to ensure that they are being operated in compliance with all applicable standards.
- ~~(10)(11)~~ Supervise all apprenticeship programs which are registered with the division.
- ~~(11)~~ Ensure that minority and gender diversity are considered in administering this program.
- ~~(12)~~ Adopt rules as required to implement ss. 446.011-446.092 the provisions of this act.

Section 116. Section 446.045, Florida Statutes, is amended to read:

446.045 State Apprenticeship *Advisory Council*.—

- (1) For the purposes of this section, *the term*:
  - (a) “Joint employee organization” means an apprenticeship sponsor who participates in a collective bargaining agreement and represents employees.
  - (b) “Nonjoint employer organization” means an apprenticeship sponsor who does not participate in a collective bargaining agreement and who represents management.
- (2)(a) There is created a State Apprenticeship *Advisory Council* to be composed of 13 members, which shall be advisory to the Division of

*Workforce Development. Jobs and Benefits of the Department of Labor and Employment Security.* The purpose of the *advisory council* is to advise the division and *the council* on matters relating to apprenticeship. The *advisory council* may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by the division or bureau. ~~Only those matters contained in the notice of meeting provided by the division shall be considered by the council at council meetings.~~

(b) The division director or the division director's designee shall be ex officio chair of the State Apprenticeship *Advisory Council*, but may not vote. The ~~administrator of industrial education of the Department of Education and the~~ state director of the Bureau of Apprenticeship and Training of the United States Department of Labor shall be appointed a nonvoting ~~member~~ members of the council. The Governor shall appoint two three-member committees for the purpose of nominating candidates for appointment to the council. One nominating committee shall be composed of joint employee organization representatives, and the other nominating committee shall be composed of nonjoint employer organization representatives. The joint employee organization nominating committee shall submit to the Governor the names of three persons for each vacancy occurring among the joint employee organization members on the council, and the nonjoint employer organization nominating committee likewise shall submit to the Governor the names of three persons for each vacancy occurring among the nonjoint employer organization members on the council. The Governor shall appoint to the council five members representing joint employee organizations and five members representing nonjoint employer organizations from the candidates nominated for each position by the respective nominating committees. Each member shall represent industries which have registered apprenticeship programs or in which a need for apprenticeship programs has been demonstrated. Initially, the Governor shall appoint four members for terms of 4 years, two members for terms of 3 years, two members for terms of 2 years, and two members for terms of 1 year. Thereafter, members shall be appointed for 4-year terms. A vacancy shall be filled for the remainder of the unexpired term.

(c) The council shall meet at the call of the chair or at the request of a majority of its membership, but at least twice a year. A majority of the voting members shall constitute a quorum, and the affirmative vote of a majority of a quorum is necessary to take action.

(d) The Governor may remove any member for cause.

(e) The council shall maintain minutes of each meeting. The division shall keep on file the minutes of each meeting and shall make such minutes available to any interested person.

(f) Members of the council shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 117. Subsection (3) of section 446.052, Florida Statutes, is amended to read:

446.052 Preapprenticeship program.—

(3) The Division of Workforce Development, the district school boards, and the community college district boards of trustees, ~~and the Division of Jobs and Benefits~~ shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 118. Section 446.061, Florida Statutes, is amended to read:

446.061 Expenditures.—The Division of *Workforce Development of the Department of Education Jobs and Benefits* shall make necessary expenditures from the appropriation provided by law for personal services, travel, printing, equipment, office space, and supplies as provided by law.

Section 119. Subsection (1) of section 446.071, Florida Statutes, is amended to read:

446.071 Apprenticeship sponsors.—

(1) One or more local apprenticeship sponsors shall be approved in any trade or group of trades by the Division of *Workforce Development*

of the Department of Education Jobs and Benefits, upon a determination of need, provided the apprenticeship sponsor meets all of the standards established by the division. "Need" refers to the need of state residents for apprenticeship training. In the absence of proof to the contrary, it shall be presumed that there is need for apprenticeship and preapprenticeship training in each county in this state.

Section 120. Section 446.075, Florida Statutes, is amended to read:

446.075 Federal and state cooperation.—The Division of Workforce Development of the Department of Education may ~~Jobs and Benefits of the Department of Labor and Employment Security is authorized to~~ make and enter into contracts with the United States Department of Labor, and may to assume such other functions and duties as are necessary for the division to serve as registration agent for federal apprenticeship registration purposes, except that the division may shall not enforce any federal apprenticeship requirement unless the division first adopts such requirement as a rule. All rules ~~adopted promulgated~~ and administrative hearings afforded by the division ~~under because of this section must shall~~ be in accordance with the requirements of chapter 120.

Section 121. Section 446.40, Florida Statutes, is amended to read:

446.40 Rural Workforce Manpower Services Act; short title.—Sections 446.40-446.44 may shall be cited as the "Rural Workforce Manpower Services Act."

Section 122. Section 446.41, Florida Statutes, is amended to read:

446.41 Legislative intent with respect to rural workforce manpower training and development; establishment of Rural Workforce Manpower Services Program.—In order that the state may achieve its full economic and social potential, consideration must be given to rural workforce manpower training and development to enable its rural citizens as well as urban citizens to develop their maximum capacities and participate productively in our society. It is, therefore, the policy of the state to make available those services needed to assist individuals and communities in rural areas to improve their quality of life. It is with a great sense of urgency that a Rural Workforce Manpower Services Program is established within the Agency for Workforce Innovation, under the direction of Workforce Florida, Inc., ~~Division of Jobs and Benefits of the Department of Labor and Employment Security~~ to provide equal access to all manpower training programs available to rural as well as urban areas.

Section 123. Section 446.42, Florida Statutes, is amended to read:

446.42 General purpose of Rural Workforce Manpower Services Program.—A trained labor force is an essential ingredient for industrial as well as agricultural growth. Therefore, it shall be the general responsibility of the Rural Workforce Manpower Services Program to provide rural business and potential rural businesses with the employment and workforce manpower training services and resources necessary to train and retain Florida's rural workforce.

Section 124. Section 446.43, Florida Statutes, is amended to read:

446.43 Scope and coverage of Rural Workforce Manpower Services Program.—The scope of the area to be covered by the Rural Workforce Manpower Services Program will include all counties of the state not classified as standard metropolitan statistical areas (SMSA) by the United States Department of Labor Manpower Administration. Florida's designated SMSA labor areas include: Broward, Dade, Duval, Escambia, Hillsborough, Pinellas, Leon, Orange, and Palm Beach Counties.

Section 125. Section 446.44, Florida Statutes, is amended to read:

446.44 Duties of Rural Workforce Manpower Services Program.—It shall be the direct responsibility of the Rural Workforce Manpower Services Program to promote and deliver all employment and workforce manpower services and resources to the rural undeveloped and underdeveloped counties of the state in an effort to:

(1) Slow down out-migration of untrained rural residents to the state's overcrowded large metropolitan centers.

(2) Assist Enterprise Florida, Inc., ~~the department's Economic Development Division~~ in attracting light, pollution-free industry to the rural counties.

(3) Improve the economic status of the impoverished rural residents.

(4) Provide present and new industry with the workforce manpower training resources necessary for them to train the untrained rural workforce toward gainful employment.

(5) Develop rural workforce manpower programs that which will be evaluated, planned, and implemented through communications and planning with appropriate:

(a) Departments of state and federal governments.

(b) ~~Units of Enterprise Florida, Inc. Divisions, bureaus, or sections of the Department of Commerce.~~

(c) Agencies and organizations of the public and private sectors at the state, regional, and local levels.

Section 126. Section 446.50, Florida Statutes, is amended to read:

446.50 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(1) INTENT.—It is the intent of the Legislature to require the Agency for Workforce Innovation ~~Division of Community Colleges of the Department of Education~~ to enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

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

(a) "Displaced homemaker" means an individual who:

1. Is 35 years of age or older;

2. Has worked in the home, providing unpaid household services for family members;

3. Is not adequately employed, as defined by rule of the division;

4. Has had, or would have, difficulty in securing adequate employment; and

5. Has been dependent on the income of another family member but is no longer supported by such income, or has been dependent on federal assistance.

(b) "Agency Division" means the Agency for Workforce Innovation ~~Division of Community Colleges of the Department of Education.~~

(3) AGENCY DIVISION POWERS AND DUTIES.—

(a) The agency division, under plans established by Workforce Florida, Inc., shall establish, or contract for the establishment of, programs for displaced homemakers which shall include:

1. Job counseling, by professionals and peers, specifically designed for a person entering the job market after a number of years as a homemaker.

2. Job training and placement services, including:

a. Training programs for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and developed by working with public and private employers.

b. Assistance in locating available employment for displaced homemakers, some of whom could be employed in existing job training and placement programs.

c. Utilization of the services of the state employment service, ~~which shall cooperate with the division~~ in locating employment opportunities.

3. Financial management services providing information and assistance with respect to insurance, including, but not limited to, life, health, home, and automobile insurance, and taxes, estate and probate problems, mortgages, loans, and other related financial matters.

4. Educational services, including high school equivalency degree and such other courses as the *agency division* determines would be of interest and benefit to displaced homemakers.

5. Outreach and information services with respect to federal and state employment, education, health, and unemployment assistance programs which the division determines would be of interest and benefit to displaced homemakers.

(b)1. The *agency division* shall enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs for displaced homemakers under this *section*. Such grants and contracts shall be awarded pursuant to chapter 287 and based on criteria established in the state plan developed pursuant to this section. The *agency division* shall designate catchment areas which together shall comprise the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, the *agency division* shall contract with, and make grants to, entities which will serve entire catchment areas so that displaced homemaker service programs are available statewide. *These catchment areas shall be coterminous with the state's workforce development regions.* The *agency division* may give priority to existing displaced homemaker programs when evaluating bid responses to the *agency's division's* request for proposals.

2. In order to receive funds under this section, and unless specifically prohibited by law from doing so, an entity that provides displaced homemaker service programs must, by the 1991-1992 fiscal year, receive at least 25 percent of its funding from one or more local, municipal, or county sources or nonprofit private sources. In-kind contributions may be evaluated by the *agency division* and counted as part of the required local funding.

3. The *agency division* shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to the *agency division*. Such data shall include, but shall not be limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with specific services and program administration, total program revenues by source and other appropriate financial data, and client followup information at specified intervals after the placement of a displaced homemaker in a job.

(c) The *agency division* shall consult and cooperate with the Commissioner of Education, the United States Commissioner of the Social Security Administration, and such other persons in the executive branch of the state government as the *agency division* considers appropriate to facilitate the coordination of multipurpose service programs established under this *section* with existing programs of a similar nature.

(d) Supervisory, technical, and administrative positions relating to programs established under this *section* shall, to the maximum extent practicable, be filled by displaced homemakers.

(e) The *agency division* shall adopt rules establishing minimum standards necessary for entities that provide displaced homemaker service programs to receive funds from the *agency division* and any other rules necessary to administer this section.

(4) STATE PLAN.—

(a) The *Agency for Workforce Innovation division* shall develop a 3-year state plan for the displaced homemaker program which shall be updated annually. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any necessary service components for such programs in addition to those enumerated in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being met, and recommendations for ways to address any unmet program goals. Any request for funds for program expansion must be based on the state plan.

(b) Each annual update must address any changes in the components of the 3-year state plan and a report which must include, but need not be limited to, the following:

1. The scope of the incidence of displaced homemakers;

2. A compilation and report, by program, of data submitted to the *agency division* pursuant to subparagraph 3. by funded displaced homemaker service programs;

3. An identification and description of the programs in the state that receive funding from the *agency division*, including funding information; and

4. An assessment of the effectiveness of each displaced homemaker service program based on outcome criteria established by rule of the *agency division*.

(c) The 3-year state plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on or before January 1, 2001 ~~1999~~, and annual updates of the plan must be submitted by January 1 of each subsequent year.

(5) DISPLACED HOMEMAKER TRUST FUND.—

(a) There is established within the State Treasury a Displaced Homemaker Trust Fund to be used by the *agency division* for its administration of the displaced homemaker program and to fund displaced homemaker service programs according to criteria established under this section.

(b) The trust fund shall receive funds generated from an additional fee on marriage license applications and dissolution of marriage filings as specified in ss. 741.01(3) and 28.101, respectively, and may receive funds from any other public or private source.

(c) Funds that are not expended by the *agency division* at the end of the budget cycle or through a supplemental budget approved by the *agency division* shall revert to the trust fund.

Section 127. Subsection (3) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

(3) The term "*department*" "*division*" means ~~the Division of Jobs and Benefits of the Department of Labor and Employment Security.~~

Section 128. Subsections (2), (3), and (4) of section 447.04, Florida Statutes, are amended to read:

447.04 Business agents; licenses, permits.—

(2)(a) Every person desiring to act as a business agent in this state shall, before doing so, obtain a license or permit by filing an application under oath therewith with ~~the Division of Jobs and Benefits of the Department of Labor and Employment Security,~~ accompanied by a fee of \$25 and a full set of fingerprints of the applicant taken by a law enforcement agency qualified to take fingerprints. There shall accompany the application a statement signed by the president and the secretary of the labor organization for which he or she proposes to act as agent, showing his or her authority to do so. The *department division* shall hold such application on file for a period of 30 days, during which time any person may file objections to the issuing of such license or permit.

(b) The *department division* may also conduct an independent investigation of the applicant; and, if objections are filed, it may hold, or cause to be held, a hearing in accordance with the requirements of chapter 120. The objectors and the applicant shall be permitted to attend such hearing and present evidence.

(3) After the expiration of the 30-day period, regardless of whether or not any objections have been filed, the *department division* shall review the application, together with all information that it may have, including, but not limited to, any objections that may have been filed to such application, any information that may have been obtained pursuant to an independent investigation, and the results of any hearing on the application. If the *department division*, from a review of the information, finds that the applicant is qualified, pursuant to the terms of this chapter, it shall issue such license or permit; and such license or permit shall run for the calendar year for which issued, unless sooner surrendered, suspended, or revoked.

(4) Licenses and permits shall expire at midnight, December 31, but may be renewed by the *department division* on a form prescribed by it; however, if any such license or permit has been surrendered, suspended, or revoked during the year, then such applicant must go through the same formalities as a new applicant.

Section 129. Section 447.041, Florida Statutes, is amended to read:

447.041 Hearings.—

(1) Any person or labor organization denied a license, permit, or registration shall be afforded the opportunity for a hearing by the ~~department division~~ in accordance with the requirements of chapter 120.

(2) The ~~department division~~ may, pursuant to the requirements of chapter 120, suspend or revoke the license or permit of any business agent or the registration of any labor organization for the violation of any provision of this chapter.

Section 130. Section 447.045, Florida Statutes, is amended to read:

447.045 Information confidential.—Neither the ~~department division~~ nor any investigator or employee of the ~~department division~~ shall divulge in any manner the information obtained pursuant to the processing of applicant fingerprint cards, and such information is confidential and exempt from the provisions of s. 119.07(1).

Section 131. Section 447.06, Florida Statutes, is amended to read:

447.06 Registration of labor organizations required.—

(1) Every labor organization operating in the state shall make a report under oath, in writing, to the ~~Division of Jobs and Benefits of the department of Labor and Employment Security~~ annually, on or before December 31. Such report shall be filed by the secretary or business agent of such labor organization, shall be in such form as the ~~department prescribes division may prescribe~~, and shall show the following facts:

- (a) The name of the labor organization;
- (b) The location of its office; and
- (c) The name and address of the president, secretary, treasurer, and business agent.

(2) At the time of filing such report, it shall be the duty of every such labor organization to pay the ~~department division~~ an annual fee therefor in the sum of \$1.

Section 132. Section 447.12, Florida Statutes, is amended to read:

447.12 Fees for registration.—All fees collected by the ~~Division of Jobs and Benefits of the department under this part of Labor and Employment Security hereunder~~ shall be paid to the Treasurer and credited to the General Revenue Fund.

Section 133. Section 447.16, Florida Statutes, is amended to read:

447.16 Applicability of chapter when effective.—Any labor business agent licensed on July 1, 1965, may renew such license each year on forms provided by the ~~Division of Jobs and Benefits of the department of Labor and Employment Security~~ without submitting fingerprints so long as such license or permit has not expired or has not been surrendered, suspended, or revoked. The fingerprinting requirements of this act shall become effective for a new applicant for a labor business agent license immediately upon this act becoming a law.

Section 134. Subsection (4) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to the ~~Division of Jobs and Benefits of the Department of Labor and Employment Security~~.

Section 135. Subsection (4) of section 450.012, Florida Statutes, is amended to read:

450.012 Definitions.—For the purpose of this chapter, the word, phrase, or term:

(4) “~~Department~~” “~~Division~~” means the ~~Division of Jobs and Benefits of the Department of Labor and Employment Security~~.

Section 136. Subsection (3) of section 450.061, Florida Statutes, is amended to read:

450.061 Hazardous occupations prohibited; exemptions.—

(3) No minor under 18 years of age, whether such person’s disabilities of nonage have been removed by marriage or otherwise, shall be employed or permitted or suffered to work in any place of employment or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such places of employment or occupations may be determined and declared by the ~~Division of Jobs and Benefits of the department of Labor and Employment Security~~ to be hazardous and injurious to the life, health, safety, or welfare of such minor.

Section 137. Paragraph (c) of subsection (5) of section 450.081, Florida Statutes, is amended to read:

450.081 Hours of work in certain occupations.—

(5) The provisions of subsections (1) through (4) shall not apply to:

(c) Minors enrolled in a public educational institution who qualify on a hardship basis such as economic necessity or family emergency. Such determination shall be made by the school superintendent or his or her designee, and a waiver of hours shall be issued to the minor and the employer. The form and contents thereof shall be prescribed by the ~~department division~~.

Section 138. Section 450.095, Florida Statutes, is amended to read:

450.095 Waivers.—In extenuating circumstances when it clearly appears to be in the best interest of the child, the ~~department division~~ may grant a waiver of the restrictions imposed by the Child Labor Law on the employment of a child. Such waivers shall be granted upon a case-by-case basis and shall be based upon such factors as the ~~department division~~, by rule, establishes as determinative of whether such waiver is in the best interest of a child.

Section 139. Subsections (1), (2), and (5) of section 450.121, Florida Statutes, are amended to read:

450.121 Enforcement of Child Labor Law.—

(1) The ~~department Division of Jobs and Benefits~~ shall administer this chapter. It shall employ such help as is necessary to effectuate the purposes of this chapter. Other agencies of the state may cooperate with the ~~department division~~ in the administration and enforcement of this part. To accomplish this joint, cooperative effort, the ~~department division~~ may enter into intergovernmental agreements with other agencies of the state whereby the other agencies may assist the ~~department division~~ in the administration and enforcement of this part. Any action taken by an agency pursuant to an intergovernmental agreement entered into pursuant to this section shall be considered to have been taken by the ~~department division~~.

(2) It is the duty of the ~~department division~~ and its agents and all sheriffs or other law enforcement officers of the state or of any municipality of the state to enforce the provisions of this law, to make complaints against persons violating its provisions, and to prosecute violations of the same. The ~~department division~~ and its agents have authority to enter and inspect at any time any place or establishment covered by this law and to have access to age certificates kept on file by the employer and such other records as may aid in the enforcement of this law. A designated school representative acting in accordance with s. 232.17 shall report to the ~~department division~~ all violations of the Child Labor Law that may come to his or her knowledge.

(5) The ~~department division~~ may adopt rules:

(a) Defining words, phrases, or terms used in the child labor rule or in this part, as long as the word, phrase, or term is not a word, phrase, or term defined in s. 450.012.

(b) Prescribing additional documents that may be used to prove the age of a minor and the procedure to be followed before a person who claims his or her disability of nonage has been removed by a court of competent jurisdiction may be employed.

(c) Requiring certain safety equipment and a safe workplace environment for employees who are minors.

(d) Prescribing the deadlines applicable to a response to a request for records under subsection (2).

(e) Providing an official address from which child labor forms, rules, laws, and posters may be requested and prescribing the forms to be used in connection with this part.

Section 140. Subsections (1), (2), (3), (4), and (5) of section 450.132, Florida Statutes, are amended to read:

450.132 Employment of children by the entertainment industry; rules; procedures.—

(1) Children within the protection of our child labor statutes may, notwithstanding such statutes, be employed by the entertainment industry in the production of motion pictures, legitimate plays, television shows, still photography, recording, publicity, musical and live performances, circuses, and rodeos, in any work not determined by the ~~department~~ ~~Division of Jobs and Benefits~~ to be hazardous, or detrimental to their health, morals, education, or welfare.

(2) The ~~department~~ ~~Division of Jobs and Benefits~~ shall, as soon as convenient, and after such investigation as to the ~~department~~ ~~division~~ may seem necessary or advisable, determine what work in connection with the entertainment industry is not hazardous or detrimental to the health, morals, education, or welfare of minors within the purview and protection of our child labor laws. When so adopted, such rules shall have the force and effect of law in this state.

(3) Entertainment industry employers or agents wishing to qualify for the employment of minors in work not hazardous or detrimental to their health, morals, or education shall make application to the ~~department~~ ~~division~~ for a permit qualifying them to employ minors in the entertainment industry. The form and contents thereof shall be prescribed by the ~~department~~ ~~division~~.

(4) Any duly qualified entertainment industry employer may employ any minor. However, if any entertainment industry employer employing a minor causes, permits, or suffers such minor to be placed under conditions which are dangerous to the life or limb or injurious or detrimental to the health or morals or education of the minor, the right of that entertainment industry employer and its representatives and agents to employ minors as provided herein shall stand revoked, unless otherwise ordered by the ~~department~~ ~~division~~, and the person responsible for such unlawful employment is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Any entertainment industry employer and its agents employing minors hereunder are required to notify the ~~department~~ ~~division~~, showing the date of the commencement of work, the number of days worked, the location of the work, and the date of termination.

Section 141. Subsections (2) and (3) of section 450.141, Florida Statutes, are amended to read:

450.141 Employing minor children in violation of law; penalties.—

(2) Any person, firm, corporation, or governmental agency, or agent thereof, that has employed minors in violation of this part, or any rule adopted pursuant thereto, may be subject by the ~~department~~ ~~division~~ to fines not to exceed \$2,500 per offense. The ~~department~~ ~~division~~ shall adopt, by rule, disciplinary guidelines specifying a meaningful range of designated penalties based upon the severity and repetition of the offenses, and which distinguish minor violations from those which endanger a minor's health and safety.

(3) If the ~~department~~ ~~division~~ has reasonable grounds for believing there has been a violation of this part or any rule adopted pursuant thereto, it shall give written notice to the person alleged to be in violation. Such notice shall include the provision or rule alleged to be violated, the facts alleged to constitute such violation, and requirements for remedial action within a time specified in the notice. No fine may be levied unless the person alleged to be in violation fails to take remedial action within the time specified in the notice.

Section 142. Paragraph (j) of subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(j) Cooperate with the farm labor office of the ~~Department of Labor and Employment Security~~ ~~Florida State Employment Service~~ in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 143. Subsection (2) of section 450.28, Florida Statutes, is amended to read:

450.28 Definitions.—

(2) "~~Department~~" "~~Division~~" means the ~~Division of Jobs and Benefits~~ of the Department of Labor and Employment Security.

Section 144. Section 450.30, Florida Statutes, is amended to read:

450.30 Requirement of certificate of registration; education and examination program.—

(1) No person may act as a farm labor contractor until a certificate of registration has been issued to him or her by the ~~department~~ ~~division~~ and unless such certificate is in full force and effect and is in his or her possession.

(2) No certificate of registration may be transferred or assigned.

(3) Unless sooner revoked, each certificate of registration, regardless of the date of issuance, shall be renewed on the last day of the birth month following the date of issuance and, thereafter, each year on the last day of the birth month of the registrant. The date of incorporation shall be used in lieu of birthdate for registrants that are corporations. Applications for certificates of registration and renewal thereof shall be on a form prescribed by the ~~department~~ ~~division~~.

(4) The ~~department~~ ~~division~~ shall provide a program of education and examination for applicants under this part. The program may be provided by the ~~department~~ ~~division~~ or through a contracted agent. The program shall be designed to ensure the competency of those persons to whom the ~~department~~ ~~division~~ issues certificates of registration.

(5) The ~~department~~ ~~division~~ shall require each applicant to demonstrate competence by a written or oral examination in the language of the applicant, evidencing that he or she is knowledgeable concerning the duties and responsibilities of a farm labor contractor. The examination shall be prepared, administered, and evaluated by the ~~department~~ ~~division~~ or through a contracted agent.

(6) The ~~department~~ ~~division~~ shall require an applicant for renewal of a certificate of registration to retake the examination only if:

(a) During the prior certification period, the ~~department~~ ~~division~~ issued a final order assessing a civil monetary penalty or revoked or refused to renew or issue a certificate of registration; or

(b) The ~~department~~ ~~division~~ determines that new requirements related to the duties and responsibilities of a farm labor contractor necessitate a new examination.

(7) The ~~department~~ ~~division~~ shall charge each applicant a \$35 fee for the education and examination program. Such fees shall be deposited in the Crew Chief Registration Trust Fund.

(8) The ~~department~~ ~~division~~ may adopt rules prescribing the procedures to be followed to register as a farm labor contractor.

Section 145. Subsections (1), (2), and (4) of section 450.31, Florida Statutes, are amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(1) The ~~department~~ ~~division~~ shall not issue to any person a certificate of registration as a farm labor contractor, nor shall it renew such certificate, until:

(a) Such person has executed a written application therefor in a form and pursuant to regulations prescribed by the ~~department~~ ~~division~~ and has submitted such information as the ~~department~~ ~~division~~ may prescribe.

(b) Such person has obtained and holds a valid federal certificate of registration as a farm labor contractor, or a farm labor contractor employee, unless exempt by federal law.

(c) Such person pays to the ~~department division~~, in cash, certified check, or money order, a nonrefundable application fee of \$75. Fees collected by the ~~department division~~ under this subsection shall be deposited in the State Treasury into the Crew Chief Registration Trust Fund, which is hereby created, and shall be utilized for administration of this part.

(d) Such person has successfully taken and passed the farm labor contractor examination.

(2) The ~~department division~~ may revoke, suspend, or refuse to renew any certificate of registration when it is shown that the farm labor contractor has:

(a) Violated or failed to comply with any provision of this part or the rules adopted pursuant to s. 450.36.

(b) Made any misrepresentation or false statement in his or her application for a certificate of registration.

(c) Given false or misleading information concerning terms, conditions, or existence of employment to persons who are recruited or hired to work on a farm.

(4) The ~~department division~~ may refuse to issue or renew, or may suspend or revoke, a certificate of registration if the applicant or holder is not the real party in interest in the application or certificate of registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify under this section for a certificate.

Section 146. Subsections (1), (4), (5), (6), (8), (9), and (10) of section 450.33, Florida Statutes, are amended to read:

450.33 Duties of farm labor contractor.—Every farm labor contractor must:

(1) Carry his or her certificate of registration with him or her at all times and exhibit it to all persons with whom the farm labor contractor intends to deal in his or her capacity as a farm labor contractor prior to so dealing and, upon request, to persons designated by the ~~department division~~.

(4) Display prominently, at the site where the work is to be performed and on all vehicles used by the registrant for the transportation of employees, a single posting containing a written statement in English and in the language of the majority of the non-English-speaking employees disclosing the terms and conditions of employment in a form prescribed by the ~~department division~~ or by the United States Department of Labor for this purpose.

(5) Take out a policy of insurance with any insurance carrier which policy insures such registrant against liability for damage to persons or property arising out of the operation or ownership of any vehicle or vehicles for the transportation of individuals in connection with his or her business, activities, or operations as a farm labor contractor. In no event may the amount of such liability insurance be less than that required by the provisions of the financial responsibility law of this state. Any insurance carrier that is licensed to operate in this state and that has issued a policy of liability insurance to operate a vehicle used to transport farm workers shall notify the ~~department division~~ when it intends to cancel such policy.

(6) Maintain such records as may be designated by the ~~department division~~.

(8) File, within such time as the ~~department division~~ may prescribe, a set of his or her fingerprints.

(9) Produce evidence to the ~~department division~~ that each vehicle he or she uses for the transportation of employees complies with the requirements and specifications established in chapter 316, s. 316.620, or Pub. L. No. 93-518 as amended by Pub. L. No. 97-470 meeting Department of Transportation requirements or, in lieu thereof, bears a valid inspection sticker showing that the vehicle has passed the inspection in the state in which the vehicle is registered.

(10) Comply with all applicable statutes, rules, and regulations of the United States and of the State of Florida for the protection or benefit of labor, including, but not limited to, those providing for wages, hours, fair labor standards, social security, workers' compensation, unemployment compensation, child labor, and transportation. The ~~department division~~ shall not suspend or revoke a certificate of registration pursuant to this subsection unless:

(a) A court or agency of competent jurisdiction renders a judgment or other final decision that a violation of one of the laws, rules, or regulations has occurred and, if invoked, the appellate process is exhausted;

(b) An administrative hearing pursuant to ss. 120.569 and 120.57 is held on the suspension or revocation and the administrative law judge finds that a violation of one of the laws, rules, or regulations has occurred and, if invoked, the appellate process is exhausted; or

(c) The holder of a certificate of registration stipulates that a violation has occurred or defaults in the administrative proceedings brought to suspend or revoke his or her registration.

Section 147. Section 450.35, Florida Statutes, is amended to read:

450.35 Certain contracts prohibited.—It is unlawful for any person to contract for the employment of farm workers with any farm labor contractor as defined in this act until the labor contractor displays to him or her a current certificate of registration issued by the ~~department division~~ pursuant to the requirements of this part.

Section 148. Section 450.36, Florida Statutes, is amended to read:

450.36 Rules and regulations.—The ~~department division~~ may adopt rules necessary to enforce and administer this part.

Section 149. Section 450.37, Florida Statutes, is amended to read:

450.37 Cooperation with federal agencies.—The ~~department division~~ shall, whenever appropriate, cooperate with any federal agency.

Section 150. Subsections (2), (3), and (4) of section 450.38, Florida Statutes, are amended to read:

450.38 Enforcement of farm labor contractor laws.—

(2) Any person who, on or after June 19, 1985, commits a violation of this part or of any rule adopted thereunder may be assessed a civil penalty of not more than \$1,000 for each such violation. Such assessed penalties shall be paid in cash, certified check, or money order and shall be deposited into the General Revenue Fund. The ~~department division~~ shall not institute or maintain any administrative proceeding to assess a civil penalty under this subsection when the violation is the subject of a criminal indictment or information under this section which results in a criminal penalty being imposed, or of a criminal, civil, or administrative proceeding by the United States government or an agency thereof which results in a criminal or civil penalty being imposed. The ~~department division~~ may adopt rules prescribing the criteria to be used to determine the amount of the civil penalty and to provide notification to persons assessed a civil penalty under this section.

(3) Upon a complaint of the ~~department division~~ being filed in the circuit court of the county in which the farm labor contractor may be doing business, any farm labor contractor who fails to obtain a certificate of registration as required by this part may, in addition to such penalties, be enjoined from engaging in any activity which requires the farm labor contractor to possess a certificate of registration.

(4) For the purpose of any investigation or proceeding conducted by the ~~department division~~, the secretary of the department or the secretary's designee shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The secretary of the department or the secretary's designee shall exercise this power on the secretary's own initiative.

Section 151. Subsection (7) of section 497.419, Florida Statutes, is amended to read:

497.419 Cancellation of, or default on, preneed contracts.—

(7) All preneed contracts are cancelable and revocable as provided in this section, provided that a preneed contract does not restrict any contract purchaser who is a qualified applicant for, or a recipient of, supplemental security income, temporary *cash* assistance under the WAGES Program, or Medicaid from making her or his contract irrevocable.

Section 152. Subsection (3) of section 240.3341, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

240.3341 Incubator facilities for small business concerns.—

(3)(a) The incubator facility and any improvements to the facility shall be owned by *or leased* the community college. The community college may charge residents of the facility all or part of the cost for facilities, utilities, and support personnel and equipment. No small business concern shall reside in the incubator facility for more than 5 calendar years. The state shall not be liable for any act or failure to act of any small business concern residing in an incubator facility pursuant to this section or of any such concern benefiting from the incubator facilities program.

~~(b) Notwithstanding any provision of paragraph (a) to the contrary, and for the 1999-2000 fiscal year only, the incubator facility may be leased by the community college. This paragraph is repealed on July 1, 2000.~~

(5) *Community colleges are encouraged to establish incubator facilities through which emerging small businesses supportive of development of content and technology for digital broadband media and digital broadcasting may be served.*

Section 153. Section 240.710, Florida Statutes, is created to read:

240.710 *Digital Media Education Coordination Group.—*

(1) *The Board of Regents shall create a Digital Media Education Coordination Group composed of representatives of the universities within the State University System that shall work in conjunction with the Department of Education, the State Board of Community Colleges, and the Articulation Coordinating Committee on the development of a plan to enhance Florida's ability to meet the current and future workforce needs of the digital media industry. The following purposes of the group shall be included in its plan development process:*

(a) *Coordination of the use of existing academic programs and research and faculty resources to promote the development of a digital media industry in this state.*

(b) *Address strategies to improve opportunities for interdisciplinary study and research within the emerging field of digital media through the development of tracts in existing degree programs, new interdisciplinary degree programs, and interdisciplinary research centers.*

(c) *Address the sharing of resources among universities in such a way as to allow a student to take courses from multiple departments or multiple educational institutions in pursuit of competency, certification, and degrees in digital information and media technology.*

(2) *Where practical, private accredited institutions of higher learning in this state should be encouraged to participate.*

(3) *In addition to the elements of the plan governed by the purposes described in subsection (1), the plan shall include, to the maximum extent practical, the coordination of educational resources to be provided by distance learning and shall facilitate to the maximum extent possible articulation and transfer of credits between community colleges and the state universities. The plan shall address student enrollment in affected programs with emphasis on enrollment beginning as early as fall term, 2001.*

(4) *The Digital Media Education Coordination Group shall submit its plan to the President of the Senate and the Speaker of the House of Representatives no later than January 1, 2001.*

Section 154. *Workforce Florida, Inc., through the Agency for Workforce Innovation, may use funds dedicated for Incumbent Worker Training for the digital media industry. Training may be provided by public*

*or private training providers for broadband digital media jobs listed on the targeted occupations list developed by the Workforce Estimating Conference or Workforce Florida Inc. Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for funding.*

Section 155. Section 445.012, Florida Statutes, is created to read:

445.012 *Careers for Florida's Future Incentive Grant Program.—*

(1) *The Careers for Florida's Future Incentive Grant Program is created to encourage students in this state to obtain degrees or certificates in postsecondary programs that produce graduates with job skills in advanced technology which are critical to the economic future of this state. The program shall provide for a forgivable loan that requires a student to enroll in and complete an eligible program and then to maintain employment in an eligible occupation in this state for 1 year for each year of grant receipt. The recipient must begin repayment of the grant 1 year after the recipient is no longer enrolled in an eligible institution or completes the program, unless the recipient obtains employment in an eligible occupation.*

(2) *Workforce Florida, Inc., shall manage the Careers for Florida's Future Incentive Grant Program in accordance with rules and procedures established for this purpose. Workforce Florida, Inc., shall contract with the Office of Student Financial Assistance in the Department of Education to administer the incentive grant program for students pursuing baccalaureate degrees or degree career education programs that articulate into baccalaureate degree programs. The office shall advertise the availability of the grant program and collect all delinquent incentive grant repayments.*

(a) *The Office of Student Financial Assistance of the Department of Education shall issue awards from the incentive grant program each semester. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or make refunds to the department as required in this section.*

(b) *Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop-and-add period, an institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the department if a student who receives an award disbursement terminates enrollment for any reason during an academic term and a refund is permitted by the institution's refund policy.*

(c) *An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section.*

(3) *Workforce Florida, Inc., shall allocate to each regional workforce board its share of funds available for incentive grants in eligible diploma, certificate, and degree career education programs that do not articulate into baccalaureate programs. Each regional workforce board shall administer the program, including determining award recipients within funds available to it for that purpose. Workforce Florida, Inc., shall contract with the Office of Student Financial Assistance in the Department of Education for collecting delinquent incentive grant repayments.*

(a) *Workforce Florida, Inc., shall reallocate any funds not encumbered by the regional workforce boards by January 31 of each year to other regional workforce boards for additional awards, in accordance with rules and procedures established for this purpose.*

(b) *Within 30 days after the student begins classes, the educational institution shall certify to the regional workforce board the eligibility status of each student who receives an award. After this report, an institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the regional workforce board if a student who receives an award disbursement terminates enrollment for any reason*

during the period that would permit a refund by the institution's refund policy.

(c) Regional workforce boards shall ensure that each recipient receives maximum funding possible by coordinating career education awards with Individual Training Accounts funded by the federal Workforce Investment Act, Retention Incentive Training Accounts funded by the federal Temporary Assistance for Needy Families Act, the federal Welfare-to-Work program, and other programs intended to assist incumbent workers in upgrading their skills.

(4) If funds appropriated are not adequate to provide the maximum allowable award to each eligible applicant, full awards must be provided in the order of priority established by Workforce Florida, Inc. Awards must not be reduced to increase the number of recipients.

(5) A recipient who is pursuing a baccalaureate degree shall receive \$100 for each lower-division credit hour in which the student is enrolled at an eligible college or university, up to a maximum of \$1,500 per semester, and \$200 for each upper-division credit hour in which the student is enrolled at an eligible college or university, up to a maximum of \$3,000 per semester. For purposes of this section, a student is pursuing a baccalaureate degree if he or she is in a program that articulates into a baccalaureate degree program by agreement of the Articulation Coordinating Committee. A student in an applied technology diploma program, a certificate career education program, or a degree career education program that does not articulate into a baccalaureate degree program shall receive \$2 for each vocational contact hour, or the equivalent, for certificate programs, or \$60 for each credit hour, or the equivalent, for degree career education programs and applied technology programs for which the student is enrolled at an eligible college, technical center, or nonpublic career education school.

(6) If a recipient who is enrolled in a diploma, certificate, or degree career education program that does not articulate into a baccalaureate degree program transfers from one eligible institution to another within the same workforce region and continues to meet eligibility requirements, the award shall be transferred with the student.

(7) If a recipient who is enrolled in a baccalaureate degree or a degree career education program that articulates into a baccalaureate degree program transfers from one eligible institution to another and continues to meet eligibility requirements, the award shall be transferred with the student.

(8) An award recipient may use an award for enrollment in a summer term if funds are available.

(9) Funds may not be used to pay for remedial, college-preparatory, or vocational-preparatory coursework.

Section 156. Section 445.0121, Florida Statutes, is created to read:

445.0121 Student eligibility requirements for initial awards.—

(1) To be eligible for an initial award for lower division college credit courses that lead to a baccalaureate degree, as defined in s. 445.0122(5), a student must:

(a)1. Have been a resident of this state for no less than 1 year for purposes other than to obtain an education; or

2. Have received a standard Florida high school diploma, as provided in s. 232.246, or its equivalent, as described in s. 229.814, unless:

a. The student is enrolled full-time in the early-admission program of an eligible postsecondary education institution or completes a home-education program in accordance with s. 232.0201; or

b. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment outside this state.

(b) In addition to the residency requirements in paragraph (a), an eligible lower-division, baccalaureate degree-seeking student must:

1. Have earned a cumulative grade point average of at least 2.75 on a 4.0 scale in postsecondary coursework.

2. Have earned at least 18 credit hours at the postsecondary level.

3. Be enrolled in an eligible public or independent postsecondary educational institution in this state for at least 6 semester credit hours or the equivalent.

(2) To be eligible for an initial award for upper-division courses, a student must:

(a) Have been a resident of this state for the previous 3 years for purposes other than to obtain an education.

(b) Be enrolled in an eligible baccalaureate degree program, as specified in s. 445.0124, for at least 6 semester credit hours or the equivalent.

(c) Have earned a cumulative grade point average of at least 2.75 on a 4.0 scale in all postsecondary coursework.

(3) To be eligible for an initial award for an applied technology diploma program or a certificate or degree career education program that does not articulate into a baccalaureate degree program, a student must:

(a) Have been a resident of this state for not less than 1 year for noneducational purposes.

(b) Be enrolled in an eligible diploma, certificate, or degree career education program, as specified in s. 445.0124.

Section 157. Section 445.0122, Florida Statutes, is created to read:

445.0122 Student eligibility requirements for renewal awards.—

(1) To be eligible to renew an incentive grant for a degree program, a student must:

(a) Complete at least 12 semester credit hours or the equivalent of program requirements in the previous academic year, including summer school.

(b) Maintain the equivalent of a grade point average of at least 2.75 on a 4.0 scale for all postsecondary education work.

(2) A student who is enrolled in a program that terminates in a baccalaureate degree or who is enrolled in an associate degree program that articulates into a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program.

(3) To be eligible to renew an incentive grant for an applied technology diploma program or a certificate or degree career education program that does not articulate into a baccalaureate degree program, a student must have successfully attained the last occupational completion point attempted. If an occupational completion point requires more than one term to complete, a student may receive grants for the additional terms if the institution reports that the student is making adequate progress toward completion.

(4) A student who is enrolled in a program that terminates in an applied technology diploma or a certificate or degree career education program that does not articulate into a baccalaureate degree program may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program, up to 90 semester credit hours or the equivalent in quarter or clock hours.

(5) A student maintains eligibility for an award for 4 years following receipt of the initial award for courses in the lower division and 4 years following receipt of the initial award for courses in the upper division. For purposes of this subsection, lower-division courses include courses in an eligible applied technology diploma program or a certificate or degree career education program that does not articulate into a baccalaureate degree program by agreement of the Articulation Coordinating Committee, as well as courses in associate in arts and associate in science degree programs that articulate into a baccalaureate degree program.

Section 158. Section 445.0123, Florida Statutes, is created to read:

445.0123 Eligible postsecondary education institutions.—A student is eligible for an award or the renewal of an award from the Careers for Florida's Future Incentive Grant Program if the student meets the requirements for the program as described in ss. 445.012-445.0125 and is

enrolled in a postsecondary education institution that meets the description of any one of the following:

(1) A public university, community college, or technical center in this state.

(2) An independent college or university in this state which is recognized by the United States Department of Education and has operated in this state for at least 3 years.

(3) An independent postsecondary education institution in this state which is chartered in Florida and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(4) An independent postsecondary education institution in this state which is licensed by the State Board of Independent Colleges and Universities and which:

(a) Shows evidence of sound financial condition; and

(b) Has operated in this state for at least 3 years without having its approval, accreditation, or license placed on probation.

(5) An independent postsecondary education institution in this state which is licensed by the State Board of Nonpublic Career Education and which:

(a) Has a program-completion and placement rate of at least the rate required by current state law, the Florida Administrative Code, or the Department of Education for an institution at its level;

(b) Shows evidence of sound financial condition; and

(c)1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in this state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in this state for 5 years during which there has been no complaint for which probable cause has been found.

Section 159. Section 445.0124, Florida Statutes, is created to read:

445.0124 Eligible programs.—

(1) A student must enroll in a program determined eligible by Workforce Florida, Inc.

(2) Eligible lower-division programs are those programs that prepare a student for admission to a degree program that prepares students for employment in targeted career occupations listed in subsection (3). These programs include any associate in science degree program that articulates into a baccalaureate degree program by agreement of the Articulation Coordinating Committee.

(3) Eligible upper-division programs are those programs that prepare students for employment in targeted career occupations in one of the following business sectors: information technology/telecommunications, biomedical technology, manufacturing-electronics, and aviation/transportation. Workforce Florida, Inc., must determine eligible programs within these sectors annually in cooperation with the Board of Regents.

(4) Eligible career education programs are those programs in the following business sectors: information technology/telecommunications, biomedical technology, manufacturing-electronics, aviation/transportation, and skilled building trades. Workforce Florida, Inc., must determine eligible programs within these sectors annually in cooperation with the State Board of Community Colleges and the Department of Education.

Section 160. Section 445.0125, Florida Statutes, is created to read:

445.0125 Repayment schedule.—

(1) A recipient must repay an incentive grant from the Careers for Florida's Future Incentive Grant Program within 10 years after termination of the grant.

(a) Repayment must begin:

1. One year after completion of the program of studies, unless the recipient is employed in an eligible occupation; or

2. One year after the student is no longer enrolled in an eligible institution.

(b) Workforce Florida, Inc., shall determine whether a grant recipient is employed in an eligible occupation. For repayment purposes, an occupation determined to be eligible remains eligible for the duration of the repayment period.

(c) The State Board of Education shall adopt by rule repayment schedules.

(2) Credit for repayment of an incentive grant shall be as follows:

(a) To repay an incentive grant for upper-division or lower-division courses that lead to a baccalaureate degree, a student must earn the baccalaureate degree and then maintain employment in an eligible occupation in this state for 1 year for each year in which the grant was received for full-time enrollment. If the student's actual enrollment was part-time, the grant repayment shall be calculated as the length of time required to complete the program based on full-time enrollment.

(b) For an incentive grant for a program that generates credit toward an occupational completion point, a certificate, or a career education degree that does not articulate into a baccalaureate degree, a student must complete the program and maintain employment in an eligible occupation in this state for 6 months for every semester of full-time enrollment in the program. If the student's actual enrollment in the program was part-time, the grant repayment shall be calculated as the length of time required to complete the program based on full-time enrollment, based on 6 months for each semester.

(3) Any incentive grant recipient who does not remain employed in an eligible occupation in this state must repay the loan plus accrued annual interest at the rate of the 3-month United States Treasury Bill, plus 2.3 percent.

(4) An incentive grant recipient may receive repayment credit for eligible employment rendered at any time during the scheduled repayment period. However, this repayment credit is applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. An incentive grant recipient may not be reimbursed for previous cash payments of principal and interest.

Section 161. Section 445.014, Florida Statutes, is created to read:

445.014 Small business workforce service initiative.—

(1) Subject to legislative appropriation, Workforce Florida, Inc., shall establish a program to encourage regional workforce development boards to establish one-stop delivery systems that maximize the provision of workforce and human-resource support services to small businesses. Under the program, a regional workforce board may apply, on a competitive basis, for funds to support the provision of such services to small businesses through the region's one-stop delivery system.

(2) Eligible uses of funds under this program include, but are not limited to:

(a) Identifying common training needs among small businesses;

(b) Developing curriculum to address common training needs among small businesses;

(c) Facilitating the provision of training services for such small businesses through eligible training providers;

(d) Assisting small businesses to identify incentives and complete applications or other paperwork associated with such incentives; and

(e) Establishing a single point of contact for the provision of pre-employment and postemployment services to small businesses.

(3) Workforce Florida, Inc., shall establish guidelines governing the administration of this program and shall establish criteria to be used in evaluating applications for funding. Such criteria must include, but need not be limited to, a showing that the regional board has in place a detailed plan for establishing a one-stop delivery system designed to meet

the workforce needs of small businesses and for leveraging other funding sources in support of such activities.

(4) For purposes of this section, the term "small business" means an independently owned and operated business concern that employs 30 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$3 million and an average net income, after federal income taxes and excluding any carryover losses, of not more than \$2 million for the preceding 2 years.

Section 162. *Temporary decennial census employment.*—Notwithstanding any provision of state law, and within the procedures, requirements, and limitations of federal law and regulation, income earned through temporary decennial census employment shall be disregarded when determining eligibility or continued eligibility for participation in programs requiring a financial determination for receipt of benefits, payments, or services, including the WAGES Program under chapter 414, Florida Statutes, subsidized child care under section 402.3015, Florida Statutes, and any other social or economic assistance funded through the state share of Temporary Assistance for Needy Families (TANF) block grant funds. For purposes of this section, "temporary decennial census employment" means employment for 120 days or less, within the period January 1, 2000, to December 31, 2000, with the United States Department of Commerce as a census-taker or block canvasser.

Section 163. (1) For the purchase of workforce marketing materials required by section 445.006, Florida Statutes, the sum of \$250,000 in nonrecurring general revenue is appropriated to the Agency for Workforce Innovation.

(2) For the workforce training institute established pursuant to section 445.008, Florida Statutes, the sum of \$200,000 is appropriated from nonrecurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.

(3) For diversion services for needy families authorized by section 445.018, Florida Statutes, the sum of \$8 million is appropriated from recurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.

(4) For the workforce information systems required by section 445.011, Florida Statutes, the sum of \$15 million is appropriated from nonrecurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation. Workforce Florida, Inc., shall develop implementation plans for workforce information systems in consultation with the State Technology Office. The plans shall ensure optimal delivery of workforce services to all clients of the workforce system, provide the best long-term solution, and ensure that previous investments and current appropriations made by the state for workforce information systems are maximized. All automated workforce information systems shall be compatible with the WAGES information system provided for in Specific Appropriation 1817 of Chapter 99-226, Laws of Florida.

(5) For the Careers for Florida's Future Incentive Grant Program established pursuant to sections 445.012-445.0125, Florida Statutes, the sum of \$10 million in recurring General Revenue is appropriated to the Agency for Workforce Innovation.

(6) For the Small Business Workforce Service Initiative established pursuant to section 445.014, Florida Statutes, the sum of \$500,000 in nonrecurring General Revenue is appropriated to the Agency for Workforce Innovation.

Section 164. Paragraph (b) of subsection (4) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(4) STAFF-TO-CHILDREN RATIO.—

(b) This subsection does not apply to nonpublic schools and their integral programs as defined in s. 402.3025(2)(d)1. In addition, an individual participating in a community service work experience activity under s. 445.024(1)(d) ~~414.065(1)(d)~~, or a work experience activity under s. 445.024(1)(e) ~~414.065(1)(e)~~, at a child care facility may not be considered in calculating the staff-to-children ratio.

Section 165. (1) *Effective upon this act becoming a law, the Commission on Basic Research for the Future of Florida is hereby established.*

All members of the commission shall be appointed prior to August 1, 2000, and the commission shall hold its first meeting no later than September 1, 2000. The commission shall be composed of 13 members who represent a broad range of experience in basic scientific research and possess an appreciation of the importance of basic scientific research to the future of Florida. Members shall include performers and users of research from public and private universities, the armed forces, defense and high technology businesses, and other interested nongovernmental organizations. Five members shall be appointed to the commission by the Governor, four members shall be appointed by the President of the Senate, and four members shall be appointed by the Speaker of the House of Representatives. The Governor shall name one of the appointees as chair of the commission. Members of the commission shall serve 4-year terms, except that two of the initial appointees by the Governor, by the President of the Senate, and by the Speaker of the House of Representatives shall be appointed for 2-year terms. Members of the commission are eligible for reappointment.

(2) The purpose of the commission is to serve as an economic development tool to increase the scientific research dollars allocated to the state by the Federal Government. The commission shall:

(a) Focus attention on the importance of improving the state's basic science research infrastructure;

(b) Provide advice to scientific research driven stakeholders;

(c) Assist in the development of long-range strategies for increasing the state's share of scientific research dollars from all sources; and

(d) Raise public awareness of the importance of basic scientific research to the future of the state.

(3) The commission shall use the resources of the state in implementing the work of the commission, including, but not limited to, the Institute for Science and Health Policy at the University of Florida and similar public and private research groups. The commission shall coordinate with, and not duplicate the efforts of, other scientific research-related organizations.

(4) The commission shall consult with Enterprise Florida, Inc., to ensure that economic development considerations are factored into the work of the commission.

(5) The commission shall be located in the Executive Office of the Governor and staff of the office shall serve as staff for the commission.

(6) Members of the commission shall serve without compensation but will be entitled to per diem and travel expenses pursuant to section 112.061, Florida Statutes, while in the performance of their duties.

(7) The commission may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the commission all relevant information and assistance on any matter within their knowledge or control.

(8) By February 1 of each year, the commission shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall outline activities of the commission and provide specific recommendations for consideration by the Governor and Legislature which are designed to increase the state's share of scientific research dollars.

Section 166. *Nothing in this act shall be construed as creating an entitlement to services or benefits authorized by any section of the act.*

Section 167. *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 168. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, line 2, through page 18, line 26, remove from the title of the bill: all of said lines, and insert in lieu thereof: An act relating to workforce innovation; creating s. 445.001, F.S.; designating chapter 445,

F.S., as the "Workforce Innovation Act of 2000"; creating s. 445.002, F.S.; providing definitions; transferring, renumbering, and amending s. 288.9956, F.S.; revising provisions implementing the federal Workforce Investment Act of 1998 to conform to changes made by the act; revising the investment act principles; revising funding requirements; deleting obsolete provisions; transferring, renumbering, and amending s. 288.9952, F.S.; redesignating the Workforce Development Board as "Workforce Florida, Inc."; providing for Workforce Florida, Inc., to function as a not-for-profit corporation and be the principal workforce policy organization for the state; providing for a board of directors; providing for the appointment of a president of Workforce Florida, Inc.; providing duties of the board of directors; specifying programs to be under the oversight of Workforce Florida, Inc.; requiring reports and measures of outcomes; providing for Workforce Florida, Inc., to develop the state's workforce development strategy; authorizing the granting of charters to regional workforce boards; creating s. 445.005, F.S.; requiring the chairperson of Workforce Florida, Inc., to establish the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council; providing for council members; providing for the councils to advise the board of directors of Workforce Florida, Inc., and make recommendations for implementing workforce strategies; creating s. 445.006, F.S.; requiring Workforce Florida, Inc., to develop a strategic plan for workforce development; requiring updates of the plan; requiring a marketing plan as part of the strategic plan; providing for performance measures and contract guidelines; requiring that the plan include a teen pregnancy prevention component; transferring, renumbering, and amending s. 288.9953, F.S.; redesignating the regional workforce development boards as the "regional workforce boards"; providing requirements for contracts with an organization or individual represented on the board; requiring the fiscal agent or administrative entity to administer funds according to certain specifications; transferring duties for overseeing the regional workforce boards to Workforce Florida, Inc.; requiring the workforce boards to establish certain committees; specifying that regional workforce boards and their entities are not state agencies; providing for procurement procedures; creating s. 445.008, F.S.; authorizing Workforce Florida, Inc., to create the Workforce Training Institute; providing for the institute to include Internet-based modules; requiring Workforce Florida, Inc., to adopt policies for operating the institute; authorizing the acceptance of grants and donations; transferring, renumbering, and amending s. 288.9951, F.S.; redesignating one-stop career centers as the "one-stop delivery system"; providing for the system to be the state's primary strategy for providing workforce development services; providing a procedure for designating one-stop delivery system operators; requiring the Office of Program Policy Analysis and Governmental Accountability to review the delivery of employment services and report to the Governor and Legislature; providing legislative intent with respect to the transfer of programs and administrative responsibilities for the state's workforce development system; providing for a transition period; requiring that the Governor appoint a representative to coordinate the transition plan; requiring that the Governor submit information and obtain waivers as required by federal law; providing for the transfer of records, balances of appropriations, and other funds; providing for the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to contract with Workforce Florida, Inc., as the state's principal workforce policy organization; transferring the records, appropriations, and other funds of the WAGES Program and the Workforce Development Board of Enterprise Florida, Inc., to Workforce Florida, Inc., as created by the act; transferring the employees of the Division of Jobs and Benefits to the Agency for Workforce Innovation; providing for a type two transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; requiring a contract between the Agency for Workforce Innovation and the Department of Revenue for unemployment tax collection services by the Department of Revenue; providing a limitation on certain administrative support services positions; requiring the Office of Program Policy Analysis and Governmental Accountability to conduct a study regarding the feasibility of privatizing unemployment tax collection services; transferring the programs and functions of the Division of Workforce and Employment Opportunities and the Office of Labor Market and Performance Information of the Department of Labor and Employment Security to the Agency for Workforce Innovation; providing certain exceptions; transferring certain vacant positions to the Agency for Workforce Innovation for allocation to regional workforce boards; authorizing Workforce Florida, Inc., to contract with the Agency for Workforce Innovation for the lease of employees; requiring the Department of Labor and Employment Security to develop a plan for certain purposes; creating s. 445.010, F.S.; providing principles for developing and managing information technology for the workforce system; requiring the sharing of information be-

tween agencies within the workforce system; creating s. 445.011, F.S.; requiring Workforce Florida, Inc., to implement a workforce information system, subject to legislative appropriation; specifying information systems to be included; providing requirements for procurement and validation services; requiring that the system be compatible with the state's information system; creating s. 445.013, F.S.; providing for challenge grants in support of welfare-to-work initiatives; requiring Workforce Florida, Inc., to establish the grant program, subject to legislative appropriation; specifying types of organizations that are eligible to receive a grant under the program; providing requirements for matching funds; providing requirements for administering and evaluating the grant program; transferring, renumbering, and amending s. 288.9955, F.S., relating to the Untried Worker Placement and Employment Incentive Act; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 414.15, F.S.; providing certain diversion services under the one-stop delivery system; providing for regional workforce boards to determine eligibility for diversion services; deleting certain limitations on diversion payments; creating s. 445.018, F.S.; providing for a diversion program to strengthen families; specifying services that may be offered under the program; providing that such services are not assistance under federal law or guidelines; requiring families that receive services to agree not to apply for temporary cash assistance for a specified period unless an emergency arises; providing requirements for repaying the value of services provided; transferring, renumbering, and amending s. 414.159, F.S., relating to the teen parent and pregnancy prevention diversion program; conforming cross-references to changes made by the act; creating s. 445.020, F.S.; providing for certain criteria for establishing eligibility for diversion programs; transferring, renumbering, and amending s. 414.155, F.S., relating to the relocation assistance program; providing duties of the regional workforce boards; revising eligibility requirements for services under the program; requiring the board of directors of Workforce Florida, Inc., to determine eligibility criteria and relocation plans; transferring, renumbering, and amending s. 414.223, F.S., relating to Retention Incentive Training Accounts; authorizing the board of directors of Workforce Florida, Inc., to establish such accounts; transferring, renumbering, and amending s. 414.18, F.S., relating to a program for dependent care for families with children with special needs; conforming provisions to changes made by the act; creating s. 445.024, F.S.; specifying the activities that satisfy the work requirements for a participant in the welfare transition program; providing for regional workforce boards to administer various subsidized employment programs formerly administered by the local WAGES coalitions; including GED preparation and literacy education within the activities that satisfy work requirements under the welfare transition program; providing requirements for participating in work activities; providing for certain individuals to be exempt from such requirements; requiring regional workforce boards to prioritize work requirements if funds are insufficient; requiring regional workforce boards to contract for work activities, training, and other services; transferring, renumbering, and amending s. 414.20, F.S.; authorizing the regional workforce boards to prioritize or limit certain support services; providing requirements for the boards in providing for counseling and therapy services; transferring, renumbering, and amending s. 414.1525, F.S.; providing for a severance benefit in lieu of cash assistance payments; requiring the regional workforce boards to determine eligibility for such a benefit; creating s. 445.028, F.S.; requiring the Department of Children and Family Services, in cooperation with Workforce Florida, Inc., to provide for certain transitional benefits and services for families leaving the temporary cash assistance program; transferring, renumbering, and amending s. 414.21, F.S., relating to transitional medical benefits; clarifying requirements for notification; transferring, renumbering, and amending s. 414.22, F.S.; authorizing the board of directors of Workforce Florida, Inc., to prioritize transitional education and training; providing for regional workforce boards to authorize child care or other services; transferring, renumbering, and amending s. 414.225, F.S.; providing for transitional transportation services administered by regional workforce boards; expanding the period such services may be available; creating s. 445.032, F.S.; providing for transitional child care services; authorizing regional workforce boards to prioritize such services; transferring, renumbering, and amending s. 414.23, F.S.; providing for the evaluation of programs funded under Temporary Assistance for Needy Families; creating s. 445.034, F.S.; providing requirements for expenditures from the Temporary Assistance for Needy Families block grant; transferring, renumbering, and amending s. 414.44, F.S.; requiring the board of directors of Workforce Florida, Inc., to collect data and make reports; amending s. 414.025, F.S.; revising legislative intent with respect to the programs administered under chapter 414, F.S., to conform to changes made by the act; amending s. 414.0252, F.S.; revising definitions;

amending s. 414.045, F.S., relating to the cash assistance program; specifying families that are considered to be work eligible cases; providing for the regional workforce boards to provide for service delivery for work eligible cases; amending s. 414.065, F.S.; deleting provisions governing work activities to conform to changes made by the act; providing an additional exception to certain noncompliance penalties; amending s. 414.085, F.S.; specifying eligibility standards for the temporary cash assistance program; amending s. 414.095, F.S.; revising requirements for determining eligibility for temporary cash assistance; conforming cross-references to changes made by the act; revising eligibility requirements for noncitizens; amending s. 414.105, F.S.; revising procedures for reviewing exemptions from the requirements for eligibility for temporary cash assistance; deleting certain limitations on the period of such exemptions; providing an extension of certain time limitations with respect to an applicant for supplemental security disability income (SSDI); providing for the regional workforce boards to review the prospects of certain participants for employment; amending s. 414.157, F.S., relating to the diversion program for victims of domestic violence; conforming provisions to changes made by the act; amending s. 414.158, F.S.; providing for a diversion program to prevent or reduce child abuse and neglect; providing for eligibility; amending ss. 414.35 and 414.36, F.S., relating to emergency relief and the recovery of overpayments; deleting obsolete provisions; amending ss. 414.39 and 414.41, F.S., relating to case screening and the recovery of certain payments; conforming provisions to changes made by the act; amending s. 414.55, F.S.; deleting provisions authorizing a delay in the implementation of certain programs; providing for Workforce Florida, Inc., to implement the community work program; amending s. 414.70, F.S.; revising certain provisions of a drug-testing and drug-screening program to conform to changes made by the act; deleting obsolete provisions; repealing ss. 239.249, 288.9950, 288.9954, 288.9957, 288.9958, 288.9959, 414.015, 414.026, 414.0267, 414.027, 414.028, 414.029, 414.030, 414.055, 414.125, 414.25, and 414.38, F.S., relating to funding for vocational and technical education programs, the Workforce Florida Act of 1996, the Workforce Development Board, the WAGES Program State Board of Directors, the WAGES Program, matching grants, local WAGES coalitions, the WAGES Program business registry, WAGES Program Employment Projects, one-stop career centers, the Learnfare Program, exemptions from requirements for certain leases of real property, and certain pilot programs; conforming provisions to changes made by the act; amending s. 14.2015, F.S.; providing additional duties of the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor with respect to workforce development; requiring that the office cooperate and contract with Workforce Florida, Inc., in performing certain functions; amending s. 20.171, F.S.; revising duties of the Assistant Secretary for Programs and Operations within the Department of Labor and Employment Security; abolishing the Division of Workforce and Employment Opportunities within the department to conform to changes made by the act; creating s. 20.50, F.S.; creating the Agency for Workforce Innovation in the Department of Management Services; specifying duties of the agency; providing for the agency to administer the Office of Workforce Services, the Office of Workforce Support Services, the Office of Workforce Investment and Accountability, and the Office of Workforce Information Services; specifying the federal grants and other funds assigned to the agency for administration; amending s. 212.08, F.S., relating to sales tax exemptions; deleting a requirement that a business register with the WAGES Program Business Registry for purposes of qualifying for certain exemptions; amending s. 212.096, F.S.; redefining the term "new employee" to include participants in the welfare transition program for purposes of certain tax credits; amending ss. 212.097 and 212.098, F.S., relating to job tax credits; providing eligibility for tax credits to certain businesses that hire participants in the welfare transition program; amending s. 216.136, F.S.; redesignating the Occupational Forecasting Conference as the "Workforce Estimating Conference"; specifying additional duties of the conference with respect to developing forecasts for employment demands and occupational trends; amending s. 220.181, F.S., relating to the enterprise zone jobs credit; providing for businesses that hire participants in the welfare transition program to be eligible for the credit; amending s. 230.2305, F.S., relating to the pre-kindergarten early intervention program; providing eligibility for children whose parents participate in the welfare transition program; amending s. 232.17, F.S.; revising requirements for administering the Child Labor Law to conform to changes made by the act; amending s. 234.01, F.S.; providing for school boards to provide transportation services to participants in the welfare transition program; amending s. 234.211, F.S., relating to the use of school buses; conforming provisions to changes made by the act; amending s. 239.105, F.S.; redefining the term "degree vocational education program" for purposes of ch. 239, F.S.;

amending s. 239.115, F.S.; providing for a program to be used to provide customized training for businesses; providing for remaining balances to carry over; providing for performance funds to be distributed to certain workforce programs; conforming provisions to changes made by the act; amending s. 239.117, F.S.; providing for school districts or community colleges to pay the fees of students enrolled in a program under the welfare transition program; amending s. 239.229, F.S.; requiring the Department of Education to update certain vocational, adult, and community education programs and establishes restrictions on job training programs; amending s. 239.301, F.S.; providing for literacy assessments and other specialized services for participants in the welfare transition program; amending s. 239.514, F.S., relating to the Workforce Development Capitalization Incentive Grant Program; conforming provisions to changes made by the act; amending s. 240.209, F.S.; requiring that the Board of Regents consider industry-driven competencies in certain program reviews; amending s. 240.312, F.S.; revising requirements for reviewing certificate career education programs and certain degree programs; amending s. 240.35, F.S.; providing for students enrolled in employment and training programs under the welfare transition program to be exempt from certain fees; amending ss. 240.40207 and 240.40685, F.S., relating to the Florida Gold Seal Vocational Scholars award and the Certified Education Paraprofessional Welfare Transition Program; conforming provisions to changes made by the act; amending s. 240.61, F.S., relating to college reach-out programs; providing for including temporary cash assistance in determining eligibility; amending s. 246.50, F.S.; providing for recipients of temporary cash assistance to be eligible for the Teacher-Aide Welfare Transition Program; amending ss. 288.046, 288.047, and 288.0656, F.S., relating to quick-response training; deleting a reference to targeted industrial clusters; providing for the program to be administered by Workforce Florida, Inc., in conjunction with Enterprise Florida, Inc.; abolishing the advisory committee; revising requirements for the grant agreements; providing for a Quick-Response Training Program for participants in the welfare transition program; amending s. 288.901, F.S.; providing for the chair of Workforce Florida, Inc., to be a member of the board of directors of Enterprise Florida, Inc.; amending ss. 288.904, 288.905, and 288.906, F.S.; revising the duties and functions of Enterprise Florida, Inc., to conform to changes made by the act; amending s. 320.20, F.S.; providing for employing participants in the welfare transition program for certain projects of the Department of Transportation and the Florida Seaport Transportation and Economic Development Council; amending ss. 322.34 and 341.052, F.S., relating to proceeds from the sale of seized motor vehicles and a public transit block grant program; conforming provisions to changes made by the act; amending s. 402.3015, F.S.; including children who participate in certain diversion programs under ch. 445, F.S., in the subsidized child care program; providing for certain needy families to be eligible to participate in the subsidized child care program; amending s. 402.33, F.S.; defining the term "state and federal aid" to include temporary cash assistance; amending s. 402.40, F.S.; revising membership requirements of the Child Welfare Standards and Training Council to reflect changes made by the act; amending s. 402.45, F.S., relating to the community resource mother or father program; providing for eligibility for recipients of temporary cash assistance; amending s. 403.973, F.S.; providing for expedited permitting of projects that employ participants in the welfare transition program; amending ss. 409.2554 and 409.259, F.S., relating to the child support enforcement program; conforming provisions to changes made by the act; amending s. 409.2564, F.S.; correcting a cross reference, to conform; amending s. 409.903, F.S., relating to payments for medical assistance; conforming provisions; amending s. 409.942, F.S.; requiring Workforce Florida, Inc., to establish an electronic benefit transfer program; requiring that the program be compatible with the benefit transfer program of the Department of Children and Family Services; amending ss. 411.01, 411.232, and 411.242, F.S., relating to the Florida Partnership for School Readiness, the Children's Early Investment Program, and the Education Now and Babies Later Program; conforming provisions and revising eligibility for such programs; amending s. 413.82, F.S., relating to occupational access and opportunity; conforming a definition to changes made by the act; amending s. 421.10, F.S., relating to housing authorities; conforming income requirements; amending ss. 427.013, 427.0155, and 427.0157, F.S., relating to the Commission for the Transportation Disadvantaged and community transportation programs; providing for the Division of Workforce Development within the Department of Education to perform duties with respect to apprenticeship training which were formerly performed by the Division of Jobs and Benefits within the Department of Labor and Employment Security; providing for the Division of Workforce Development within the Department of Education to perform duties with respect to apprenticeship training which were formerly performed by the Division

of Jobs and Benefits within the Department of Labor and Employment Security; redesignating the State Apprenticeship Council as the "State Apprenticeship Advisory Council"; revising the method of appointing members to the council; amending ss. 443.091, 443.151, 443.181, 443.211, 443.221, 443.231, 446.011, 446.021, 446.032, 446.041, 446.045, 446.052, 446.061, 446.071, and 446.075, F.S., to conform; amending ss. 446.40, 446.41, 446.42, 446.43, and 446.44, F.S.; redesignating the Rural Manpower Services Program as the "Rural Workforce Services Program"; providing for the Division of Workforce Administrative Support of the Department of Management Services to administer the program under the direction of Workforce Florida, Inc.; amending s. 446.50, F.S.; requiring the Agency for Workforce Innovation to administer services for displaced homemakers under the direction of Workforce Florida, Inc.; requiring Workforce Florida, Inc., to develop the plan for the program; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, and 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for administration by the Department of Labor and Employment Security; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, and 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, and 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 497.419, F.S., relating to preneed contracts; conforming provisions to changes made by the act; amending s. 240.3341, F.S.; encouraging community colleges to establish incubator facilities for digital media content and technology development; requiring the Workforce Development Board to reserve funds for digital media industry training; providing direction on training; creating s. 240.710, F.S.; requiring the Board of Regents to create a Digital Media Education Coordination Group; providing for membership; providing purposes; requiring the group to develop a plan and submit the plan to the Legislature; authorizing Workforce Florida, Inc., to use certain funds for certain purposes; creating s. 445.012, F.S.; establishing the Careers for Florida's Future Incentive Grant Program; providing for loans to encourage students to obtain degrees or certificates in advanced technology fields; requiring Workforce Florida, Inc., to manage the grant program, under contract with the Department of Education; providing for the allocation of funds; providing for regional workforce boards to determine award recipients; specifying the amount of the grants; providing for the transfer of a grant award; creating s. 445.0121, F.S.; providing eligibility requirements for an initial incentive grant award; creating s. 445.0122, F.S.; providing for renewal of grants; creating s. 445.0123, F.S.; specifying postsecondary education institutions that are eligible to enroll a student who receives an incentive grant; creating s. 445.0124, F.S.; specifying eligible programs; creating s. 445.0125, F.S.; providing a repayment schedule after termination of an incentive grant; creating s. 445.014, F.S.; providing for a small business workforce service initiative; requiring Workforce Florida, Inc., to establish a program for support services to small businesses, subject to legislative appropriation; specifying eligible uses of funds under the program; providing program criteria; defining the term "small business" for purposes of the program; providing that income earned as a temporary federal census worker shall be disregarded in determination of eligibility for certain public assistance programs; providing limitations; providing appropriations; amending s. 402.305, F.S., to conform certain cross references; creating the Commission on Basic Research for the Future of Florida; prescribing membership of the commission; providing a purpose for the commission; requiring the use of state resources; providing for staffing, administration, and information sharing; requiring a report; providing that no entitlement is created by the act; providing for expiration of specified sections; providing for severability; providing effective dates.

Senator King moved the following amendments which were adopted:

**Senate Amendment 1 (205542) to House Amendment 1**—On page 11, line 31 through page 12, line 5, delete those lines

**Senate Amendment 2 (444690) to House Amendment 1**—On page 12, line 22, delete *two* and insert: *five*

**Senate Amendment 3 (671324) to House Amendment 1**—On page 13, line 20, before the period (.) insert: *through his respective presiding officer*

**Senate Amendment 4 (045396) to House Amendment 1**—On page 35, lines 10-12, delete those lines and insert: *if approved by Workforce Florida, Inc., based upon a showing that a fair and competitive process was used to select the administrative entity.*

**Senate Amendment 5 (505274) to House Amendment 1**—On page 47, line 27 through page 48, line 9, delete those lines.

**Senate Amendment 6 (822886) to House Amendment 1**—On page 117, line 24, delete "*extension of exception to*" and insert: *exception to*

**Senate Amendment 7 (181504) to House Amendment 1**—On page 118, line 20, delete "*extension of exception from*" and insert: *exception from*

**Senate Amendment 8 (160508) to House Amendment 1**—On page 132, lines 8-22, delete those lines and insert:

(a) The beginning date of eligibility for temporary cash assistance is the date on which the application is approved or 30 days after the date of application, whichever is earlier.

(b) The add date for a newborn child is the date of the child's birth.

(c) The add date for all other individuals is the date on which the client contacts the department to request that the individual be included in the grant for temporary cash assistance.

(d) Medicaid coverage for a recipient of temporary cash assistance begins on the first day of the first month of eligibility for temporary cash assistance, and such coverage shall include any eligibility required by federal law which is prior to the month of application.

**Senate Amendment 9 (313834) to House Amendment 1**—On page 142, line 14 through page 148, line 12, delete those lines and insert:

(4) A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months. Hardship exemptions to the time limitations of this chapter shall be limited to 20 percent of *the average monthly caseload participants in all subsequent years, as determined by the department in cooperation with Workforce Florida, Inc. and approved by the WAGES Program State Board of Directors.* Criteria for hardship exemptions include:

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

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

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

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

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. Temporary cash assistance shall be provided through a protective payee. Staff of the ~~Children and Families Program Office~~ of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.

~~At the recommendation of the local WAGES coalition, temporary cash assistance under a hardship exemption for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.~~

(5)(3) In addition to the exemptions listed in subsection (3) (2), a victim of domestic violence may be granted a hardship exemption if the effects of such domestic violence delay or otherwise interrupt or adversely affect the individual's participation in the program. ~~Hardship exemptions granted under this subsection shall not be subject to the percentage limitations in subsection (2).~~

(6)(4) The department, *in cooperation with Workforce Florida, Inc.*, shall establish a procedure for reviewing and approving hardship exemptions ~~and for reviewing hardship cases at least once every 2 years.~~ *Regional workforce boards, and the local WAGES coalitions* may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.016.

(5) ~~The cumulative total of all hardship exemptions may not exceed 12 months, may include reduced benefits at the option of the community review panel, and shall, in combination with other periods of temporary cash assistance as an adult, total no more than 48 months of temporary cash assistance. If an individual fails to comply with program requirements during a hardship exemption period, the hardship exemption shall be removed.~~

(7)(6) For individuals who have moved from another state, ~~the and have legally resided in this state for less than 12 months, the time limitation for temporary cash assistance shall be the shorter of the respective time limitations used in the two states, and months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.~~

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

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

(10)(9) Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.

(11)(10) An individual who receives benefits under the Supplemental Security Income (SSI) program or the Social Security Disability Insurance (SSDI) program is not subject to time limitations. An individual who has applied for supplemental security income (SSI) *or supplemental security disability income (SSDI)*, but has not yet received a determination must be granted an extension of time limits until the individual receives a final determination on the SSI application. Determination shall be considered final once all appeals have been exhausted, benefits have been received, or denial has been accepted without any appeal. *While awaiting a final determination*, such individual must continue to meet all program requirements assigned to the participant based on medical ability to comply. *If a final determination results in the denial of benefits for supplemental security income (SSI) or supplemental security disability income (SSDI)*, any period during which the recipient received assistance under this chapter shall count against ~~Extensions of time limits shall be within~~ the recipient's 48-month lifetime limit. ~~Hardship exemptions granted under this subsection shall not be subject to the percentage limitations in subsection (2).~~

(12)(11) A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.

(13)(12) A member of the ~~WAGES Program~~ *staff of the regional workforce board* shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 24-month time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit

time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.

**Senate Amendment 10 (354488) to House Amendment 1**—On page 165, lines 1-18, delete those lines and insert:

(a) *The Office of Workforce Services shall administer state merit system program staff within the workforce service delivery system, pursuant to policies of Workforce Florida, Inc. The office shall be responsible for delivering services through the one-stop delivery system and for ensuring that participants in welfare transition programs receive case management services, diversion assistance, support services, including subsidized child care and transportation services, Medicaid services, and transition assistance to enable them to succeed in the workforce. The office shall be directed by the Deputy Director for Workforce Services, who shall be appointed by and serve at the pleasure of the director.*

**Senate Amendment 11 (042530) to House Amendment 1**—On page 167, lines 7-10, delete those lines and insert: *functions assigned to the agency. Notwithstanding other provisions*

**Senate Amendment 12 (095160) to House Amendment 1**—On page 283, line 4; and on page 284, line 10, delete "1 year" and insert: *3 years*

**Senate Amendment 13 (810082) to House Amendment 1**—On page 292, line 4, delete \$15 and insert: *\$10*

**Senate Amendment 14 (553454) to House Amendment 1**—On page 292, line 19, delete \$10 and insert: *\$12*

**Senate Amendment 15 (161864) to House Amendment 1**—On page 292, between lines 25 and 26, insert the following:

(7) *For grants to support local economic development projects that lead to jobs for needy Florida families authorized by section 445.015, Florida Statutes, the sum of \$5 million is appropriated from nonrecurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.*

**Senate Amendment 16 (983806)(with title amendment) to House Amendment 1**—On page 293, line 7 through page 295, line 9, delete those lines and redesignate subsequent section.

And the title is amended as follows:

On page 315, lines 12-18, delete those lines and insert: *providing that no*

On motion by Senator King, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

**CS for SB 2050** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Kirkpatrick	Saunders
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Sebesta
Burt	Geller	Latvala	Silver
Campbell	Grant	Laurent	Sullivan
Carlton	Hargrett	Lee	Thomas
Casas	Holzendorf	Meek	Webster
Childers	Horne	Mitchell	
Cowin	Jones	Myers	
Dawson	King	Rossin	

Nays—None

#### STATEMENT OF INTENT

For the purpose of defining "One-Stop Delivery System Operator" as contained in Section 9 of CS for SB 2050, the avoidance of conflict language in this section applies to One-Stop Premises Operators, and Services Providers who either perform as Client Managers, Education Providers or Training Providers.

James E. "Jim" King, Jr., 8th District

By direction of the President, the rules were waived and the Senate proceeded to—

LOCAL BILL CALENDAR

SB 1138—A bill to be entitled An act relating to the Lake Region Lakes Management District, Polk County; amending chapter 8378, Laws of Florida, 1919, as amended; exempting the district from certain permitting requirements; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Laurent and adopted:

Amendment 1 (284054)—On page 2, line 30 through page 3, line 7, delete those lines and insert:

(a) Install for lake-level-management purposes up to two 24-inch pipes or their equivalent, which are incorporated with a water control structure, and are operated based on a water management district's adopted lake-levels program which was created pursuant to chapter 373, F.S.

(b) Remove pipes, crossovers, or other restrictions located within a ditch if such items are too small for or restrict the flow of water in a ditch.

(c) Add pipes or change the inverts of pipes located in ditch crossovers when existing crossovers restrict the flow of water in an existing ditch.

The Lake Region Lakes Management District shall notify the Southwest Florida Water Management District when it undertakes project activities which qualify for an exemption pursuant to this subsection. The area within the Lake Region Lakes Management District that falls under the jurisdiction of the St. John's River Water Management District is not subject to the exemption provided in this subsection.

On motion by Senator Laurent, by two-thirds vote SB 1138 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Madam President, Dyer, Klein, Saunders, Bronson, Forman, Kurth, Scott, Brown-Waite, Geller, Latvala, Sebesta, Burt, Grant, Laurent, Silver, Campbell, Hargrett, Lee, Sullivan, Carlton, Holzendorf, McKay, Thomas, Casas, Horne, Meek, Webster, Childers, Jones, Mitchell, Dawson, King, Myers, Diaz-Balart, Kirkpatrick, Rossin

Nays—1

Cowin

SB 1818—A bill to be entitled An act relating to Lee and Charlotte Counties; providing legislative findings; providing legislative purpose; authorizing the operation of golf carts upon certain public roads or streets and upon certain golf cart/bike paths described in the act; providing for minimum age requirements; providing penalties pursuant to state law; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Carlton and adopted:

Amendment 1 (473156)—On page 7, line 23 through page 8, line 11, delete these lines and insert:

Section 3. Operation of golf carts upon the Gasparilla Island Cart Path.—The operation of a golf cart upon the Gasparilla Island Cart Path is permitted except that:

(1) The provisions of subsections (4), (5), and (6) of section 316.212, Florida Statutes, shall apply to the operation of golf carts upon the Gasparilla Island Cart Path, as defined herein.

(2) The minimum age of operating golf carts upon the Gasparilla Island Cart Path, as defined herein, shall be sixteen (16) years.

On motion by Senator Carlton, by two-thirds vote SB 1818 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Madam President, Diaz-Balart, Kirkpatrick, Rossin, Bronson, Dyer, Klein, Saunders, Brown-Waite, Forman, Kurth, Scott, Burt, Geller, Latvala, Sebesta, Campbell, Grant, Laurent, Silver, Carlton, Hargrett, Lee, Sullivan, Casas, Holzendorf, McKay, Thomas, Childers, Horne, Meek, Webster, Cowin, Jones, Mitchell, Dawson, King, Myers

Nays—None

Consideration of SB 1914 was deferred.

CS for SB 2664—A bill to be entitled An act relating to Palm Beach and Hendry Counties; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, relating to the Ritta Drainage District, a special tax district of the State of Florida composed of the Counties of Palm Beach and Hendry; providing legislative intent, and codifying and reenacting chapter 22882, Laws of Florida, 1945, chapter 61-1641, Laws of Florida, chapter 76-461, Laws of Florida, and chapter 84-500, Laws of Florida; providing for minimum charter requirements; providing for ratification of prior actions; providing for repeal of all prior special acts related to the Ritta Drainage District; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Geller, by two-thirds vote CS for SB 2664 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Madam President, Diaz-Balart, Kirkpatrick, Rossin, Bronson, Dyer, Klein, Saunders, Brown-Waite, Forman, Kurth, Scott, Burt, Geller, Latvala, Sebesta, Campbell, Grant, Laurent, Silver, Carlton, Hargrett, Lee, Sullivan, Casas, Holzendorf, McKay, Thomas, Childers, Horne, Meek, Webster, Cowin, Jones, Mitchell, Dawson, King, Myers

Nays—None

On motion by Senator Carlton, by unanimous consent—

HB 1791—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; amending s. 3 of chapter 91-358, Laws of Florida, as amended; revising the membership of the governing board of the authority; providing for designating certain positions on the governing board to residents of Manatee County and certain positions on the governing board to residents of Sarasota County; providing for the Governor to appoint the members of the governing board of the authority; limiting the number of consecutive years a member may be reappointed; providing for staggered terms of office; providing qualifications for membership; providing for a member to be suspended or removed from office by the Governor under specified circumstances; deleting provisions requiring the election of members to the governing board of the authority;

repealing section 3, (3) and (4) of chapter 91-358, Laws of Florida, providing for nonpartisan ballots; amending s. 17 of chapter 91-358, Laws of Florida; providing that the authority is not an agency for purposes of the Administrative Procedure Act, chapter 120, F.S.; providing for severability; providing for a referendum; providing that candidates receiving a majority vote at the November 2000 general election do not assume office if the referendum is approved; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Carlton moved the following amendment which was adopted:

**Amendment 1 (974574)(with title amendment)**—On page 6, lines 12 and 13, delete those lines and insert: *approved, authority board candidates elected in the year 2000 shall not assume office,*

And the title is amended as follows:

On page 1, lines 28 and 29, delete those lines and insert: *elected in the year 2000 do not assume office if the*

On motion by Senator Carlton, by two-thirds vote **HB 1791** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Saunders
Brown-Waite	Forman	Kurth	Scott
Burt	Geller	Latvala	Sebesta
Campbell	Grant	Laurent	Silver
Carlton	Hargrett	Lee	Sullivan
Casas	Holzendorf	McKay	Thomas
Childers	Horne	Meek	Webster
Cowin	Jones	Mitchell	
Dawson	King	Myers	

Nays—None

**RECONSIDERATION OF BILL**

On motion by Senator Saunders, the Senate reconsidered the vote by which—

**CS for CS for SB 2242**—A bill to be entitled An act relating to health care; amending s. 409.212, F.S.; providing for periodic increase in the optional state supplementation rate; amending s. 409.901, F.S.; amending definitions of terms used in ss. 409.910-409.920, F.S.; amending s. 409.902, F.S.; providing that the Department of Children and Family Services is responsible for Medicaid eligibility determinations; amending s. 409.903, F.S.; providing responsibility for determinations of eligibility for payments for medical assistance and related services; amending s. 409.905, F.S.; increasing the maximum amount that may be paid under Medicaid for hospital outpatient services; amending s. 409.906, F.S.; allowing the Department of Children and Family Services to transfer funds to the Agency for Health Care Administration to cover state match requirements as specified; amending s. 409.907, F.S.; revising requirements relating to the minimum amount of the surety bond which each provider is required to maintain; specifying grounds on which provider applications may be denied; amending s. 409.908, F.S.; increasing the maximum amount of reimbursement allowable to Medicaid providers for hospital inpatient care; providing legislative findings, intent, and clarification; relating to reimbursement for services to dually eligible Medicare beneficiaries; providing applicability; creating s. 409.9119, F.S.; creating a disproportionate share program for licensed specialty children’s hospitals; providing formulas governing payments made to hospitals under the program; providing for withholding payments from a hospital that is not complying with agency rules; amending s. 409.912, F.S.; providing for the transfer of certain unexpended Medicaid funds from the Department of Elderly Affairs to the Agency for Health Care Administration; providing for renewal of contracts for fiscal intermediary services; amending s. 409.919, F.S.; providing for the adoption and the transfer of certain rules relating to the determination of Medicaid eligibility; authorizing developmental research schools to participate in Medicaid certified school match program; providing for the Agency for Health Care Administration to seek a federal waiver allowing the

agency to undertake a pilot project that involves contracting with skilled nursing facilities for the provision of rehabilitation services to adult ventilator dependent patients; providing for evaluation of the pilot program; amending s. 430.703, F.S.; defining “other qualified provider”; amending s. 430.707, F.S.; authorizing the Department of Elderly Affairs to contract with other qualified providers to provide long-term care within the pilot project areas; exempting other qualified providers from specified licensing requirements; repealing s. 409.912(4)(b), F.S., relating to the authorization of the agency to contract with certain prepaid health care services providers; designating Florida Alzheimer’s Disease Day; amending s. 394.4615, F.S.; requiring that clinical records be furnished to the unit upon request; amending s. 395.3025, F.S.; allowing patient records to be furnished to the unit; amending s. 400.0077, F.S.; providing that certain confidentiality provisions do not limit the subpoena power of the Attorney General; amending s. 400.494, F.S.; providing that certain confidentiality provisions relating to home health agencies do not apply to information requested by the unit; amending s. 409.9071, F.S.; waiving confidentiality and requiring that certain information regarding Medicaid provider agreements with school districts be provided to the unit; amending s. 409.920, F.S.; clarifying the Attorney General’s power to subpoena medical records relating to Medicaid recipients; amending s. 409.9205, F.S.; authorizing investigators employed by the unit to serve process; amending s. 430.608, F.S.; providing that certain confidentiality provisions pertaining to the Department of Elderly Affairs do not limit the subpoena authority of the unit; amending s. 455.667, F.S.; providing that certain confidential records held by the Department of Business and Professional Regulation must be provided to the unit; providing an effective date.

—as amended passed May 2.

Pending further consideration of **CS for CS for SB 2242** as amended, on motion by Senator Saunders, by two-thirds vote **HB 2329** was withdrawn from the Committees on Health, Aging and Long-Term Care; Fiscal Policy; and Children and Families.

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

**HB 2329**—A bill to be entitled An act relating to health care; amending s. 394.4615, F.S.; requiring that clinical records be furnished to the unit upon request; amending s. 395.3025, F.S.; allowing patient records to be furnished to the unit; amending s. 400.0077, F.S.; providing that certain confidentiality provisions do not limit the subpoena power of the Attorney General; amending s. 400.494, F.S.; providing that certain confidentiality provisions relating to home health agencies do not apply to information requested by the unit; amending s. 409.9071, F.S.; waiving confidentiality and requiring that certain information regarding Medicaid provider agreements with school districts be provided to the unit; amending s. 409.920, F.S.; clarifying the Attorney General’s power to subpoena medical records relating to Medicaid recipients; amending s. 409.9205, F.S.; authorizing investigators employed by the unit to serve process; amending s. 430.608, F.S.; providing that certain confidentiality provisions pertaining to the Department of Elderly Affairs do not limit the subpoena authority of the unit; amending s. 455.667, F.S.; providing that certain confidential records held by the Department of Health must be provided to the unit; amending s. 409.212, F.S.; providing for periodic increase in the optional state supplementation rate; amending s. 409.901, F.S.; amending definitions of terms used in ss. 409.910-409.920, F.S.; amending s. 409.902, F.S.; providing that the Department of Children and Family Services is responsible for Medicaid eligibility determinations; amending s. 409.903, F.S.; providing responsibility for determinations of eligibility for payments for medical assistance and related services; amending s. 409.905, F.S.; increasing the maximum amount that may be paid under Medicaid for hospital outpatient services; amending s. 409.906, F.S.; allowing the Department of Children and Family Services to transfer funds to the Agency for Health Care Administration to cover state match requirements as specified; amending s. 409.907, F.S.; revising requirements relating to the minimum amount of the surety bond which each provider is required to maintain; specifying grounds on which provider applications may be denied; amending s. 409.908, F.S.; increasing the maximum amount of reimbursement allowable to Medicaid providers for hospital inpatient care; prohibiting interim rate adjustments that reflect increases in the cost of general or professional liability insurance; providing legislative findings, intent, and clarification; relating to reimbursement for services to dually eligible Medicare beneficiaries; providing applicability; creating s. 409.9119, F.S.; creating a disproportionate share program for specialty hospitals for children; providing formulas governing payments

made to hospitals under the program; providing for withholding payments from a hospital that is not complying with agency rules; amending s. 409.912, F.S.; providing for the transfer of certain unexpended Medicaid funds from the Department of Elderly Affairs to the Agency for Health Care Administration; authorizing the agency to renew certain contracts for certain services under certain circumstances; amending s. 409.919, F.S.; providing for the adoption and the transfer of certain rules relating to the determination of Medicaid eligibility; authorizing developmental research schools to participate in the Medicaid certified school match program; providing for the Agency for Health Care Administration to seek a federal waiver allowing the agency to undertake a pilot project that involves contracting with skilled nursing facilities for the provision of rehabilitation services to adult ventilator dependent patients; providing for evaluation of the pilot program; providing for a report; designating Florida Alzheimer's Disease Day; repealing s. 409.912(4)(b), F.S., relating to the authorization of the agency to contract with certain prepaid health care services providers; amending s. 381.0403, F.S.; placing an emphasis on primary care physicians rather than family physicians; modifying the provisions relating to the funding of graduate medical education; defining primary care specialties; establishing a program for graduate medical education innovations; creating a process regarding the release of funds; requiring an annual report on graduate medical education; establishing a committee for report purposes; providing requirements for the report; amending s. 408.07, F.S.; modifying the definition of "teaching hospital"; amending s. 409.905, F.S.; increasing the Medicaid reimbursement limitation for certain hospital outpatient services; amending s. 409.908, F.S.; providing exceptions to Medicaid reimbursement limitations for certain hospital inpatient care; authorizing the agency to receive certain funds for such exceptional reimbursements; providing an exemption from county contribution requirements; increasing the Medicaid reimbursement limitation for certain hospital outpatient care; authorizing the agency to receive certain funds for such outpatient care; removing authority for additional reimbursement for hospitals participating in the extraordinary disproportionate share program; providing an exemption from county contribution requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2242** and by two-thirds vote read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 2329** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz de la Portilla	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Webster
Cowin	Horne	Meek	
Dawson	Jones	Mitchell	

Nays—None

**MOTION**

On motion by Senator Silver, the House was requested to return **CS for HB 1457**.

By direction of the President, the rules were waived and the Senate proceeded to—

**SPECIAL ORDER CALENDAR**

Consideration of **CS for SB 1680** was deferred.

On motion by Senator Saunders—

**CS for CS for SB 1694**—A bill to be entitled An act relating to Everglades restoration and funding; amending s. 201.15, F.S.; authorizing the distribution of documentary stamp tax funds to the Everglades

Restoration Reserve Trust Fund; amending s. 215.22, F.S.; excluding the trust fund from the general revenue surcharge; amending s. 259.101, F.S.; providing for a redistribution of Preservation 2000 program cash balances; deleting a requirement for the redistribution of specified unencumbered balances; deleting a provision for the carrying forward of unspent funds; abrogating the repeal of provisions relating to the acquisition of less than fee-simple title to lands; abrogating for scheduled repeal of s. 259.101(3), F.S.; amending s. 259.105, F.S.; providing for the transfer of funds from the Florida Forever Trust Fund into the Everglades Restoration Reserve Trust Fund; amending s. 259.1051, F.S.; excluding Everglades Restoration Reserve Trust Fund distributions from a requirement that the funds be spent within a specified time after transfer; creating s. 373.470, F.S.; creating the "Everglades Investment and Accountability Act"; defining terms; providing legislative intent; providing for a planning process; providing for a project implementation report; providing for the deposit of specified funds into the Everglades Restoration Reserve Trust Fund; providing for supplemental funds; providing for distributions from the trust fund; providing for credit for work performed; providing for an annual report and a progress report; amending s. 375.045, F.S.; excluding Everglades Restoration Reserve Trust Fund distributions from a requirement that they be spent within a specified time after transfer; requiring the South Florida Water Management District to take action to assure that a specified deed reservation is terminated by a specified date; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1694** to **CS for CS for HB 221**.

Pending further consideration of **CS for CS for SB 1694** as amended, on motion by Senator Saunders, by two-thirds vote **CS for CS for HB 221** was withdrawn from the Committees on Natural Resources and Fiscal Resource.

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

**CS for CS for HB 221**—A bill to be entitled An act relating to Everglades restoration and funding; amending s. 215.22, F.S.; providing that the Save Our Everglades Trust Fund is exempt from certain service charges; amending s. 259.101, F.S.; revising redistribution criteria for unencumbered balances from the Florida Preservation 2000 program; deleting requirements for review and repeal; deleting provision for carryforward of unspent funds; deleting a repealer; amending s. 259.105, F.S.; providing for transfer of funds from the Florida Forever Trust Fund into the Save Our Everglades Trust Fund; amending ss. 259.1051 and 375.045, F.S.; excluding Save Our Everglades Trust Fund distributions from requirement for expenditure within 90 days after transfer; creating s. 373.470, F.S.; creating the "Everglades Restoration Investment Act"; providing definitions; providing legislative intent; providing for a planning process; providing for project implementation reports; providing for the deposit of specified funds into the Save Our Everglades Trust Fund; providing supplemental funds; providing for distributions from the Save Our Everglades Trust Fund; providing for an accounting of expenditures; providing for annual progress reports; providing redistribution of funds; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1694** as amended and by two-thirds vote read the second time by title.

Senator Forman moved the following amendment which failed:

**Amendment 1 (411598)(with title amendment)**—On page 11, between lines 13 and 14, insert:

*(7) Any reduction or reallocation of the district's resources for the purpose of meeting the funding requirements in subsections (4), (5), and (6) may not affect or negatively impact any established local programs that are funded by the district and local governments, including flood protection programs, alternative water supply programs, or public outreach programs relating to the Comprehensive Everglades Restoration Plan.*

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: providing a limitation on any reduction or reallocation of specified funds;

Senator Saunders moved the following amendment which was adopted:

**Amendment 2 (974502)(with title amendment)**—On page 11, line 13, after the period (.) insert: *Distribution of funds from the Save Our Everglades Trust Fund shall be equally matched by the cumulative contributions from all local sponsors by fiscal year 2009-2010 by providing funding or credits toward project components. The dollar value of in-kind work by local sponsors in furtherance of the comprehensive plan and existing interest in public lands needed for a project component are credits towards the local sponsors' contributions.*

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: providing credit for acquisitions and work performed; requiring matching funds or credits;

Senators Klein, Forman and Diaz-Balart offered the following amendment which was moved by Senator Klein and adopted:

**Amendment 3 (252448)**—On page 11, between lines 9 and 10, insert:

(c) *For fiscal year 2000-2001, the department may seek approval from the Administration Commission pursuant to chapter 216 for additional spending authority and release of funds up to \$25 million dollars from the Florida Forever Trust Fund for transfer to the Everglades Restoration Reserve Trust Fund under the following conditions:*

1. *All funds available under paragraphs (a) and (b) have been encumbered;*

2. *The South Florida Water Management District has provided matching funds of at least \$48 million;*

3. *Matching credit for federal funds has been received for any eligible previously funded project activities by the state or local sponsor and that relate to implementation of the comprehensive plan during Fiscal Year 2000-2001; and*

4. *Federal funds exceeding the amount of state funds provided under paragraphs (a) and (b) have been made available for project components and encumbered and without additional state supplemental funds to match available federal funds project component activities will be delayed.*

The vote was:

Yeas—23

Campbell	Diaz-Balart	Klein	Rossin
Carlton	Dyer	Kurth	Scott
Casas	Forman	Latvala	Silver
Childers	Geller	Laurent	Sullivan
Dawson	Hargrett	McKay	Thomas
Diaz de la Portilla	Jones	Meek	

Nays—16

Madam President	Cowin	King	Myers
Bronson	Grant	Kirkpatrick	Saunders
Brown-Waite	Holzendorf	Lee	Sebesta
Burt	Horne	Mitchell	Webster

Pursuant to Rule 4.19, **CS for CS for HB 221** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by two-thirds vote **HB 1957** was withdrawn from the Committees on Natural Resources and Fiscal Policy.

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

**HB 1957**—A bill to be entitled An act relating to trust funds; creating s. 373.472, F.S.; creating the Save Our Everglades Trust Fund within the Department of Environmental Protection; providing for sources of funds and purposes; providing an exemption from service charges; providing for retention of interest and other earnings; providing for annual

carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—a companion measure, was substituted for **SB 1696** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1957** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1692**, **CS for CS for SB 2324**, **CS for SB 238**, **SB 2618** and **CS for SB 420** was deferred.

On motion by Senator Thomas—

**CS for SB 2532**—A bill to be entitled An act relating to workers' compensation; clarifying the legislative intent that the terms "net premiums written" and "net premiums collected" as used in ch. 440, F.S., include ceded reinsurance premiums in accord with original intent; amending s. 440.49, F.S., relating to the assessment for the Special Disability Trust Fund; amending s. 440.51, F.S., relating to the assessment for the Workers' Compensation Administration Trust Fund and to expenses of administration; reducing the assessment rate for calendar year 2001; creating a Task Force on Workers' Compensation Administration to study the way in which the workers' compensation system is funded and administered; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

**Amendment 1 (525174)**—On page 2, line 25 through page 3, line 5, delete those lines and insert:

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers. *Provided however, for those carriers that have excluded ceded reinsurance premiums from their assessments on or before January 1, 2000, no assessments on ceded reinsurance premiums shall be paid by those carriers until such time as the division advises each of those carriers of the impact that the inclusion of ceded reinsurance premiums has on their assessment. The division may not recover any past underpayments of assessments levied against any carrier that on or before January 1, 2000, excluded ceded reinsurance premiums from their assessment prior to the point that the division advises of the appropriate assessment that should have been paid.*

Senator Horne moved the following amendment which was adopted:

**Amendment 2 (885536)(with title amendment)**—On page 5, between lines 21 and 22, insert:

(5) Any amount so assessed against and paid by an insurance carrier, self-insurer authorized pursuant to s. 440.57, or commercial self-insurance fund authorized under ss. 624.460-624.488 shall be allowed as a deduction against the amount of any other tax levied by the state upon the premiums, assessments, or deposits for workers' compensation insurance on contracts or policies of said insurance carrier, self-insurer, or commercial self-insurance fund. *Any insurance carrier claiming such a deduction against the amount of any such tax shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such deduction. Because deductions under this paragraph are available to insurance carriers, s. 624.5091 does not limit such deductions in any manner.*

And the title is amended as follows:

On page 1, line 12, following the semicolon (;) insert: prescribing effect of deductions with respect to retaliatory taxes;

Senator Dyer moved the following amendment which was adopted:

**Amendment 3 (911634)(with title amendment)**—On page 7, between lines 12 and 13, insert:

Section 6. Paragraph (b) of subsection (1) of section 440.38, Florida Statutes, is amended to read:

440.38 Security for compensation; insurance carriers and self-insurers.—

(1) Every employer shall secure the payment of compensation under this chapter:

(b) By furnishing satisfactory proof to the division of ~~its her or his~~ financial ability to pay such compensation *individually and on behalf of its subsidiary and affiliated companies with employees in this state* and receiving an authorization from the division to pay such compensation directly in accordance with the following provisions:

1. The division may, as a condition to such authorization, require such employer to deposit in a depository designated by the division either an indemnity bond or securities, at the option of the employer, of a kind and in an amount determined by the division and subject to such conditions as the division may prescribe, which shall include authorization to the division in the case of default to sell any such securities sufficient to pay compensation awards or to bring suit upon such bonds, to procure prompt payment of compensation under this chapter. In addition, the division shall require, as a condition to authorization to self-insure, proof that the employer has provided for competent personnel with whom to deliver benefits and to provide a safe working environment. Further, the division shall require such employer to carry reinsurance at levels that will ensure the actuarial soundness of such employer in accordance with rules promulgated by the division. The division may by rule require that, in the event of an individual self-insurer's insolvency, such indemnity bonds, securities, and reinsurance policies shall be payable to the Florida Self-Insurers Guaranty Association, Incorporated, created pursuant to s. 440.385. Any employer securing compensation in accordance with the provisions of this paragraph shall be known as a self-insurer and shall be classed as a carrier of her or his own insurance.

2. If the employer fails to maintain the foregoing requirements, the division shall revoke the employer's authority to self-insure, unless the employer provides to the division the certified opinion of an independent actuary who is a member of the American Society of Actuaries as to the actuarial present value of the employer's determined and estimated future compensation payments based on cash reserves, using a 4-percent discount rate, and a qualifying security deposit equal to 1.5 times the value so certified. The employer shall thereafter annually provide such a certified opinion until such time as the employer meets the requirements of subparagraph 1. The qualifying security deposit shall be adjusted at the time of each such annual report. Upon the failure of the employer to timely provide such opinion or to timely provide a security deposit in an amount equal to 1.5 times the value certified in the latest opinion, the division shall then revoke such employer's authorization to self-insure, and such failure shall be deemed to constitute an immediate serious danger to the public health, safety, or welfare sufficient to justify the summary suspension of the employer's authorization to self-insure pursuant to s. 120.68.

3. Upon the suspension or revocation of the employer's authorization to self-insure, the employer shall provide to the division and to the Florida Self-Insurers Guaranty Association, Incorporated, created pursuant to s. 440.385 the certified opinion of an independent actuary who is a member of the American Society of Actuaries of the actuarial present value of the determined and estimated future compensation payments of the employer for claims incurred while the member exercised the privilege of self-insurance, using a discount rate of 4 percent. The employer shall provide such an opinion at 6-month intervals thereafter until such time as the latest opinion shows no remaining value of claims. With each such opinion, the employer shall deposit with the division a qualifying security deposit in an amount equal to the value certified by the actuary. The association has a cause of action against an employer, and against any successor of the employer, who fails to timely provide such opinion or who fails to timely maintain the required security deposit with the division. The association shall recover a judgment in the amount of the actuarial present value of the determined and estimated future compensation payments of the employer for claims incurred while the employer exercised the privilege of self-insurance, together with attorney's fees. For purposes of this section, the successor of an employer means any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of the employer.

4. A qualifying security deposit shall consist, at the option of the employer, of:

a. Surety bonds, in a form and containing such terms as prescribed by the division, issued by a corporation surety authorized to transact surety business by the Department of Insurance, and whose policyholders' and financial ratings, as reported in A.M. Best's Insurance Reports, Property-Liability, are not less than "A" and "V", respectively.

b. Certificates of deposit with financial institutions, the deposits of which are insured through the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

c. Irrevocable letters of credit in favor of the division issued by financial institutions described in sub-subparagraph b.

d. Direct obligations of the United States Treasury backed by the full faith and credit of the United States.

e. Securities issued by this state and backed by the full faith and credit of this state.

5. The qualifying security deposit shall be held by the division, or by a depository authorized by the division, exclusively for the benefit of workers' compensation claimants. The security shall not be subject to assignment, execution, attachment, or any legal process whatsoever, except as necessary to guarantee the payment of compensation under this chapter. No surety bond may be terminated, and no other qualifying security may be allowed to lapse, without 90 days' prior notice to the division and deposit by the self-insuring employer of other qualifying security of equal value within 10 business days after such notice. Failure to provide such notice or failure to timely provide qualifying replacement security after such notice shall constitute grounds for the division to call or sue upon the surety bond, or to act with respect to other pledged security in any manner necessary to preserve its value for the purposes intended by this section, including the exercise of rights under a letter of credit, the sale of any security at then prevailing market rates, or the withdrawal of any funds represented by any certificate of deposit forming part of the qualifying security deposit;

(Redesignate subsequent section.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: amending s. 440.38, F.S.; revising certain requirements relating to self-insurers;

Senator Thomas moved the following amendment which was adopted:

**Amendment 4 (883244)**—On page 3, line 26 through page 5, line 21, delete those lines and insert:

(a) The division shall, ~~by July 1 of as soon as practicable after July 1~~ in each year, ~~notify carriers and self-insurers of the assessment rate, which shall be based on determine the anticipated expenses expense of the administration of this chapter for the next calendar preceding fiscal year. Such assessment rate shall take effect January 1 of the next calendar year and shall be included in workers' compensation rate filings approved by the Department of Insurance which become effective on or after January 1 of the next calendar year. Assessments shall become due and be paid quarterly. The expense of administration for such preceding fiscal year shall be used as the basis for determining the amount to be assessed against each carrier in order to provide for the expenses of the administration of this chapter for the current fiscal year.~~

(b) The total expenses of administration shall be prorated among the ~~carriers insurance companies~~ writing compensation insurance in the state and self-insurers. The net premiums collected by ~~carriers the companies~~ and the amount of premiums ~~calculated by the division for self-insured employers a self-insurer would have to pay if insured~~ are the basis for computing the amount to be assessed. ~~When reporting deductible policy premium for purposes of computing assessments levied after July 1, 2001, full policy premium value must be reported prior to application of deductible discounts or credits. This amount may be assessed as a specific amount or as a percentage of net premiums payable as the division may direct, provided such amount so assessed shall not exceed 2.75 4 percent, beginning January 1, 2001, except during the interim period from July 1, 2000, through December 31, 2000, such assessments shall not exceed 4 percent of such net premiums. The carriers insurance companies may elect to make the payments required under s. 440.15(1)(f) s. 440.15(1)(e) rather than having these payments made by the division. In that event, such payments will be credited to the carriers~~

insurance companies, and the amount due by the carrier insurance company under this section will be reduced accordingly.

(2) The division shall provide by regulation for the collection of the amounts assessed against each carrier. Such amounts shall be paid within 30 days from the date that notice is served upon such carrier. If such amounts are not paid within such period, there may be assessed for each 30 days the amount so assessed remains unpaid, a civil penalty equal to 10 percent of the amount so unpaid, which shall be collected at the same time and a part of the amount assessed. *For those carriers who excluded ceded reinsurance premiums from their assessments prior to January 1, 2000, the division shall not recover any past underpayments of assessments related to ceded reinsurance premiums prior to January 1, 2001, against such carriers.*

(3) If any carrier fails to pay the amounts assessed against him or her under the provisions of this section within 60 days from the time such notice is served upon him or her, the Department of Insurance upon being advised by the division may suspend or revoke the authorization to insure compensation in accordance with the procedure in s. 440.38(3)(a). *The division may permit a carrier to remit any underpayment of assessments for assessments levied after January 1, 2001.*

Pursuant to Rule 4.19, **CS for SB 2532** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 182** was deferred.

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On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 2085** was withdrawn from the Committees on Criminal Justice and Fiscal Policy.

On motion by Senator Brown-Waite, by two-thirds vote—

**CS for HB 2085**—A bill to be entitled An act relating to controlled substances; amending s. 893.02, F.S.; defining the term “mixture” for purposes of ch. 893, F.S.; amending s. 893.03, F.S.; deleting Dronabinol from the substances listed under Schedule II; adding Dronabinol to the controlled substances listed in Schedule III; adding 1,4-Butanediol to the controlled substances listed under Schedule II; deleting certain mixtures containing hydrocodone from the substances listed under Schedule III; amending s. 893.13, F.S.; providing enhanced penalties for the sale, manufacture, or possession of methamphetamine; providing enhanced penalties for possessing methamphetamine within a specified distance of a school, park, or public housing facility; providing enhanced penalties for purchasing or using a minor to sell or deliver methamphetamine; amending s. 893.135, F.S.; revising certain penalties imposed for trafficking in controlled substances; deleting certain provisions requiring that an offender be sentenced under the Criminal Punishment Code; prohibiting the sale, purchase, manufacture, or delivery of gamma-hydroxybutyric acid (GHB); providing penalties; prohibiting the sale, purchase, manufacture, or delivery of 1,4-Butanediol; providing penalties; prohibiting the sale, purchase, manufacture, or delivery of various drugs known as “Phenethylamines”; providing penalties; amending s. 775.087, F.S.; including the offenses of trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, and trafficking in Phenethylamines within provisions that impose enhanced penalties for offenses committed while possessing a firearm, destructive device, semiautomatic firearm, or machine gun; amending s. 893.145, F.S.; including certain objects used for unlawfully inhaling or introducing nitrous oxide into the human body within the definition of the term “drug paraphernalia”; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; amending s. 948.034, F.S.; deleting provisions authorizing the court to sentence an offender convicted of specified repeat felony drug offenses to a term of probation in lieu of imprisonment; reenacting ss. 39.01(30)(a) and (g), 316.193(5), and 327.35(5), F.S., relating to harm to a child and driving or boating under the influence, to incorporate the amendment to s. 893.03, F.S., in references thereto; reenacting ss. 397.451(7) and 414.095(1), F.S., relating to background checks and eligibility for the WAGES Program, to incorporate the amendments to s. 893.135, F.S., in references thereto; reenacting s. 440.102(11)(b), F.S., relating to the drug-free workplace program, to incorporate the amendment to s. 893.03, F.S., in references thereto; reenacting ss. 772.12(2), 782.04(1)(a), (3), and (4), F.S., relating to the

Drug Dealer Liability Act and the offense of murder, to incorporate the amendments to s. 893.135, F.S., in references thereto; reenacting ss. 817.563, 831.31, 856.015(1)(d), 893.0356(2)(a) and (5), 893.12(2)(b), (c), and (d), F.S., relating to the sale of counterfeit controlled substances, open house parties, controlled substance analogs, and the seizure and forfeiture of contraband, to incorporate the amendment to s. 893.03, F.S., in references thereto; reenacting ss. 893.1351(1), 903.133, 907.041(4)(b), 921.0024(1)(b), 921.142(2), 943.0585, 943.059, F.S., relating to trafficking offenses, bail, pretrial detention and release, the Criminal Punishment Code worksheet, capital trafficking offenses, and expunction and sealing of criminal history records, to incorporate the amendments to s. 893.135, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2414** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 2085** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Horne—

**CS for SB 1846**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for certain telecommunications company records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1846** to **HB 2417**.

Pending further consideration of **CS for SB 1846** as amended, on motion by Senator Horne, by two-thirds vote **HB 2417** was withdrawn from the Committees on Regulated Industries; and Rules and Calendar.

On motion by Senator Horne—

**HB 2417**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for certain telecommunications or cable company records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1846** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 2417** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Sullivan, by two-thirds vote **CS for HB 439** was withdrawn from the Committees on Banking and Insurance; and Rules and Calendar.

On motion by Senator Sullivan—

**CS for HB 439**—A bill to be entitled An act relating to public records; amending s. 288.99, F.S.; providing exemptions from public records requirements for information relating to an investigation or review by the Department of Banking and Finance of a certified capital company, including consumer complaints, for certain personal information relating to department investigative personnel and their families, and for information obtained by the department on a confidential basis; providing a privilege against civil liability; providing an exemption from public records requirements for social security numbers of customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1872** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 439** was placed on the calendar of Bills on Third Reading.

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SPECIAL ORDER CALENDAR, continued

On motion by Senator Casas—

HB 1997—A bill to be entitled An act relating to trust funds; creating s. 589.065, F.S.; creating a Florida Forever Program Trust Fund within the Department of Agriculture and Consumer Services; providing purposes; providing for a source of moneys; 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 second time by title.

Pursuant to Rule 4.19, HB 1997 was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster, by two-thirds vote CS for HB 2063 was withdrawn from the Committees on Education; Commerce and Economic Opportunities; and Fiscal Policy.

On motion by Senator Webster—

CS for HB 2063—A bill to be entitled An act relating to the Florida On-Line High School; creating s. 228.082, F.S.; establishing the Florida On-Line High School; establishing a board of trustees; providing for membership, powers, duties, and organization of the board of trustees; requiring the board of trustees to annually prepare and submit a legislative budget request; establishing provisions for the employment of personnel of the board of trustees and the Florida On-Line High School; authorizing the establishment of a personnel loan or exchange program; requiring the board of trustees to establish priorities for student admissions; requiring the distribution of information relating to student enrollment procedures; requiring the submission of forecasted and actual student enrollments; providing requirements for the content and custody of student and employee records; providing requirements for maintenance of financial records and accounts; providing funding requirements; designating the Orange County District School Board as the temporary fiscal agent of the Florida On-Line High School; prohibiting the credit of the state from being pledged on behalf of the Florida On-Line High School; requiring the board of trustees to submit a report; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 2260 and read the second time by title.

Pursuant to Rule 4.19, CS for HB 2063 was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote SB 2404 was withdrawn from the Committee on Fiscal Policy.

RECESS

On motion by Senator McKay, the rules were waived and the Senate recessed at 12:09 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

SENATOR SCOTT PRESIDING

The Senate was called to order by the President at 2:26 p.m. A quorum present—38:

Table with 4 columns: Name, Name, Name, Name. Rows include Madam President Diaz-Balart, Bronson Dyer, Brown-Waite Forman, Campbell Geller, Carlton Grant, Casas Hargrett, Childers Holzendorf, Cowin Horne, Dawson Jones, Diaz de la Portilla King, Kirkpatrick Rossin, Klein Saunders, Kurth Scott, Latvala Sebesta, Laurent Silver, Lee Sullivan, McKay Thomas, Meek Webster, Mitchell, Myers.

On motion by Senator Diaz-Balart—

CS for SB 182—A bill to be entitled An act relating to insurance; amending s. 628.231, F.S.; prescribing factors that directors of a domestic insurer may consider in carrying out their duties; amending s. 628.715, F.S.; authorizing a mutual insurance holding company to merge or consolidate with or acquire the assets of a foreign mutual insurance company; authorizing the Department of Insurance to retain certain consultants for merger evaluation purposes; requiring certain companies to pay consultant costs; amending s. 628.723, F.S.; prescribing factors that directors of a mutual insurance holding company may consider in carrying out their duties; amending s. 628.729, F.S.; correcting a reference to the qualification period for distribution of assets to members of a domestic mutual insurance company upon voluntary dissolution; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform CS for SB 182 to CS for HB 215.

Pending further consideration of CS for SB 182 as amended, on motion by Senator Diaz-Balart, by two-thirds vote CS for HB 215 was withdrawn from the Committee on Banking and Insurance.

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

CS for HB 215—A bill to be entitled An act relating to stock and mutual insurance companies; amending s. 628.715, F.S.; authorizing a mutual insurance holding company to merge the membership interests of certain mutual insurance companies into the mutual insurance holding company under certain circumstances; authorizing a mutual insurance holding company to merge or consolidate with, or acquire the assets of, certain entities; authorizing the Department of Insurance to retain certain consultants for merger evaluation purposes; requiring certain companies to pay consultant costs; providing a methodology for determining the rights of certain merging entities; amending ss. 628.231 and 628.723, F.S.; authorizing directors of domestic insurers and mutual insurance holding companies to consider certain factors while taking corporate action in discharging their duties; amending s. 628.729, F.S.; conforming a reference to a qualification period; creating s. 628.730, F.S.; providing for merger of a mutual insurance holding company into its intermediate holding company; requiring a plan and agreement of merger; requiring approval by the Department of Insurance; providing requirements for distribution of assets and liabilities; authorizing sales of shares of the mutual insurance holding company for certain purposes; requiring the department to hold a public hearing on the merger; requiring the plan and agreement of merger to be voted on by members of the mutual insurance holding company; providing an effective date.

—a companion measure, was substituted for CS for SB 182 as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, CS for HB 215 was placed on the calendar of Bills on Third Reading.

CS for SB 2368—A bill to be entitled An act relating to traffic control; amending s. 316.650, F.S.; requiring the issuance of a copy of the Traffic School Reference Guide with traffic citations; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing an assessment fee with respect to driver improvement courses for persons who are ordered by the court to attend and for certain other violations; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; providing an effective date.

—was read the second time by title.

Senator Mitchell moved the following amendment which was adopted:

Amendment 1 (865558)(with title amendment)—On page 5, between lines 24 and 25, insert:

Section 5. Paragraph (b) of subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) “Motor vehicle” means:

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The “travel trailer,” which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The “camping trailer,” which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The “truck camper,” which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The “motor home,” which is a vehicular unit which does not exceed the 40 feet in length, and the height, and the width limitations provided in s. 316.515, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The “private motor coach,” which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The “van conversion,” which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The “park trailer,” which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The “fifth-wheel trailer,” which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, following the semicolon (;) insert: amending s. 320.01, F.S.; redefining the term “motor vehicle”;

On motion by Senator King, further consideration of **CS for SB 2368** as amended was deferred.

On motion by Senator Holzendorf, by two-thirds vote **CS for HB 339** was withdrawn from the Committees on Banking and Insurance; and Fiscal Policy.

On motion by Senator Holzendorf—

**CS for HB 339**—A bill to be entitled An act relating to surplus lines insurance; amending ss. 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, and 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department of Insurance; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing an effective date.

—a companion measure, was substituted for **SB 1460** and read the second time by title.

Senator Holzendorf moved the following amendments which were adopted:

**Amendment 1 (445630)(with title amendment)**—On page 1, line 19, insert:

626.916 Eligibility for export.—

(4) A reasonable per-policy fee, ~~not to exceed \$25~~, may be charged by the filing surplus lines agent for each policy certified for export.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 626.916, F.S.; revising the per-policy fee that may be charged by a surplus lines agent;

**Amendment 2 (443364)(with title amendment)**—On page 8, between lines 18 and 19, insert:

Section 10. Paragraphs (a) and (b) of subsection (5) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(5) PROPERTY AND CASUALTY INSURANCE RISK APPORTIONMENT.—The department shall adopt by rule a joint underwriting plan to equitably apportion among insurers authorized in this state to write property insurance as defined in s. 624.604 or casualty insurance as defined in s. 624.605, the underwriting of one or more classes of property insurance or casualty insurance, except for the types of insurance that are included within property insurance or casualty insurance for which an equitable apportionment plan, assigned risk plan, or joint underwriting plan is authorized under s. 627.311 or subsection (1), subsection (2), subsection (3), subsection (4), or subsection (6) and except for risks eligible for flood insurance written through the federal flood insurance program to persons with risks eligible under subparagraph (a)1. and who are in good faith entitled to, but are unable to, obtain such property or casualty insurance coverage, including excess coverage, through the voluntary market. For purposes of this subsection, an adequate level of coverage means that coverage which is required by state law or by responsible or prudent business practices. The Joint Underwriting Association shall not be required to provide coverage for any type of risk for which there are no insurers providing similar coverage in this state. The department may designate one or more participating insurers who agree to provide policyholder and claims service, including the issuance of policies, on behalf of the participating insurers.

(a) The plan shall provide:

1. A means of establishing eligibility of a risk for obtaining insurance through the plan, which provides that:

a. A risk shall be eligible for such property insurance or casualty insurance as is required by Florida law if the insurance is unavailable in the voluntary market, including the market assistance program and the surplus lines market.

b. A commercial risk not eligible under sub-subparagraph a. shall be eligible for property or casualty insurance if:

(I) The insurance is unavailable in the voluntary market, including the market assistance plan and the surplus lines market;

(II) Failure to secure the insurance would substantially impair the ability of the entity to conduct its affairs; and

(III) The risk is not determined by the Risk Underwriting Committee to be uninsurable.

c. In the event the Federal Government terminates the Federal Crime Insurance Program established under 44 C.F.R. ss. 80-83, Florida commercial and residential risks previously insured under the federal program shall be eligible under the plan.

d.(I) In the event a risk is eligible under this paragraph and in the event the market assistance plan receives a minimum of 100 applications for coverage within a 3-month period, or 200 applications for coverage within a 1-year period or less, for a given class of risk contained in the classification system defined in the plan of operation of the Joint Underwriting Association, and unless the market assistance plan provides a quotation for at least 80 percent of such applicants, such classification shall immediately be eligible for coverage in the Joint Underwriting Association.

(II) Any market assistance plan application which is rejected because an individual risk is so hazardous as to be practically uninsurable, considering whether the likelihood of a loss for such a risk is substantially higher than for other risks of the same class due to individual risk characteristics, prior loss experience, unwillingness to cooperate with a prior insurer, physical characteristics and physical location shall not be included in the minimum percentage calculation provided above. In the event that there is any legal or administrative challenge to a determination by the department that the conditions of this subparagraph have been met for eligibility for coverage in the Joint Underwriting Association for a given classification, any eligible risk may obtain coverage during the pendency of any such challenge.

e. In order to qualify as a quotation for the purpose of meeting the minimum percentage calculation in this subparagraph, the quoted premium must meet the following criteria:

(I) In the case of an admitted carrier, the quoted premium must not exceed the premium available for a given classification currently in use by the Joint Underwriting Association or the premium developed by using the rates and rating plans on file with the department by the quoting insurer, whichever is greater.

(II) In the case of an authorized surplus lines insurer, the quoted premium must not exceed the premium available for a given classification currently in use by the Joint Underwriting Association by more than 25 percent, after consideration of any individual risk surcharge or credit.

f. Any agent who falsely certifies the unavailability of coverage as provided by sub-subparagraphs a. and b., is subject to the penalties provided in s. 626.611.

2. A means for the equitable apportionment of profits or losses and expenses among participating insurers.

3. Rules for the classification of risks and rates which reflect the past and prospective loss experience.

4. A rating plan which reasonably reflects the prior claims experience of the insureds. Such rating plan shall include at least two levels of rates for risks that have favorable loss experience and risks that have unfavorable loss experience, as established by the plan.

4.5. Reasonable limits to available amounts of insurance. Such limits may not be less than the amounts of insurance required of eligible risks by Florida law.

5.6. Risk management requirements for insurance where such requirements are reasonable and are expected to reduce losses.

6.7. Deductibles as may be necessary to meet the needs of insureds.

7.8. Policy forms which are consistent with the forms in use by the majority of the insurers providing coverage in the voluntary market for the coverage requested by the applicant.

8.9. A means to remove risks from the plan once such risks no longer meet the eligibility requirements of this paragraph. For this purpose, the plan shall include the following requirements: At each 6-month interval after the activation of any class of insureds, the board of governors or its designated committee shall review the number of applications to the market assistance plan for that class. If, based on these latest numbers, at least 90 percent of such applications have been provided a quotation, the Joint Underwriting Association shall cease underwriting new applications for such class within 30 days, and notification of this decision shall be sent to the Insurance Commissioner, the major agents' associations, and the board of directors of the market assistance plan. A quotation for the purpose of this subparagraph shall meet the same criteria for a quotation as provided in sub-subparagraph d. All policies which were previously written for that class shall continue in force until their normal expiration date, at which time, subject to the required timely notification of nonrenewal by the Joint Underwriting Association, the insured may then elect to reapply to the Joint Underwriting Association according to the requirements of eligibility. If, upon reapplication, those previously insured Joint Underwriting Association risks meet the eligibility requirements, the Joint Underwriting Association shall provide the coverage requested.

9.10. A means for providing credits to insurers against any deficit assessment levied pursuant to paragraph (c), for risks voluntarily written through the market assistance plan by such insurers.

10.11. That the Joint Underwriting Association shall operate subject to the supervision and approval of a board of governors consisting of 13 individuals appointed by the Insurance Commissioner, and shall have an executive or underwriting committee. At least four of the members shall be representatives of insurance trade associations as follows: one member from the American Insurance Association, one member from the Alliance of American Insurers, one member from the National Association of Independent Insurers, and one member from an unaffiliated insurer writing coverage on a national basis. Two representatives shall be from two of the statewide agents' associations. Each board member shall be appointed to serve for 2-year terms beginning on a date designated by the plan and shall serve at the pleasure of the commissioner. Members may be reappointed for subsequent terms.

(b) Rates used by the Joint Underwriting Association shall be actuarially sound *and shall be subject to the provisions of s. 627.062.* ~~To the extent applicable, the rate standards set forth in s. 627.062 shall be considered by the department in establishing rates to be used by the joint underwriting plan. The initial rate level shall be determined using the rates, rules, rating plans, and classifications contained in the most current Insurance Services Office (ISO) filing with the department or the filing of other licensed rating organizations with an additional increment of 25 percent of premium. For any type of coverage or classification which lends itself to manual rating for which the Insurance Services Office or another licensed rating organization does not file or publish a rate, the Joint Underwriting Association shall file and use an initial rate based on the average current market rate. The initial rate level for the rate plan shall also be subject to an experience and schedule rating plan which may produce a maximum of 25 percent debits or credits. For any risk which does not lend itself to manual rating and for which no rate has been promulgated under the rate plan, the board shall develop and file with the commissioner, subject to his or her approval, appropriate criteria and factors for rating the individual risk. Such criteria and factors shall include, but not be limited to, loss rating plans, composite rating plans, and unique and unusual risk rating plans. The initial rates required under this paragraph shall be adjusted in conformity with future filings by the Insurance Services Office with the department and shall remain in effect until such time as the Joint Underwriting Association has sufficient data as to independently justify an actuarially sound change in such rates.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to property and casualty insurance; amending s. 627.351, F.S.; revising the standard for the rates established under the property and casualty insurance risk apportionment plan;

Senator Holzendorf moved the following amendment:

**Amendment 3 (461200)(with title amendment)**—On page 8, between lines 18 and 19, insert:

Section 10. *Effective upon this act becoming a law, the Department of Revenue, in consultation with the Department of Insurance and the Division of Retirement, shall conduct a study evaluating various alternatives to determining the method of calculating and distributing insurance premium taxes to participating municipalities and special fire control districts for use in funding the firefighter pensions under chapter 175, Florida Statutes, and municipal police pensions under chapter 185, Florida Statutes. The study shall evaluate the effect of various distribution formulas and new technologies on participating municipalities and special fire control districts. At least one public workshop shall be held. The study shall provide a "hold harmless" provision stipulating that no participating municipality or special fire control district shall receive in subsequent years less funding than was received during the year 1999, and the study may not include any recommendations contrary to the "hold harmless" provision. The Department of Revenue shall submit to the Legislature by February 1, 2001, a report containing the results of its study and the department's recommended legislation. Until July 1, 2001, the Department of Insurance shall not take any action to audit insurers or finalize any pending audits of insurers with respect to the accuracy of coding the location of insured properties for purposes associated with these premium taxes. The Department of Insurance, the Division of Retirement, and insurers shall assist the Department of Revenue in securing information needed for this study.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: requiring the Department of Revenue to conduct a study and submit a report to the Legislature related to distributing premium taxes to local governments; prohibiting the Department of Insurance from auditing insurers with respect to certain data;

Senator Rossin offered the following amendment to **Amendment 3** which was moved by Senator Holzendorf and adopted:

**Amendment 3A (563754)**—On page 2, line 6, delete "July 1, 2001" and insert: *October 31, 2000*

#### RECONSIDERATION OF AMENDMENT

On motion by Senator Rossin, the Senate reconsidered the vote by which **Amendment 3A** was adopted. **Amendment 3A** was withdrawn.

Senator Rossin offered the following amendment to **Amendment 3** which was moved by Senator Holzendorf and adopted.

**Amendment 3B (175766)**—On page 2, line 4, delete "February 1, 2001" and insert: *October 31, 2000*

**Amendment 3** as amended was adopted.

Senator Holzendorf moved the following amendments which were adopted:

**Amendment 4 (382954)(with title amendment)**—On page 1, line 19, insert:

Section 1. Subsection (1) and paragraph (a) of subsection (6) of section 627.410, Florida Statutes, are amended to read:

627.410 Filing, approval of forms.—

(1) No basic insurance policy or annuity contract form, or application form where written application is required and is to be made a part of the policy or contract, or group certificates issued under a master contract delivered in this state, or printed rider or endorsement form or form of renewal certificate, shall be delivered or issued for delivery in this state, unless the form has been filed with the department at its

offices in Tallahassee by or in behalf of the insurer which proposes to use such form and has been approved by the department. This provision does not apply to ~~surety bonds or to~~ policies, riders, endorsements, or forms of unique character which are designed for and used with relation to insurance upon a particular subject (other than as to *individual or small group or group health insurance coverage insuring 51 or more persons for which the premiums prefund future health care costs beyond the current policy year, such as long-term care and Medicare supplement coverages health insurance*), or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or health insurance policies and are used at the request of the individual policyholder, contract holder, or certificateholder. As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state shall be filed with the department for information purposes only.

(6)(a) An insurer shall not deliver or issue for delivery or renew in this state any health insurance policy form until it has filed with the department a copy of every applicable rating manual, rating schedule, change in rating manual, and change in rating schedule; if rating manuals and rating schedules are not applicable, the insurer must file with the department applicable premium rates and any change in applicable premium rates. *This provision does not apply to rating manuals, rating schedules, changes in rating manuals or schedules, or if rating manuals or schedules are not applicable, to premium rates or changes in such rates, relating to policies, riders, endorsements, or forms of unique character which are designed for and used with relation to insurance upon a particular subject or to benefits under group health insurance policies insuring 51 or more persons for which the premiums do not prefund future health care costs beyond the current policy year, such as long-term care and Medicare supplement coverage, and are used at the request of the individual policyholder, contract holder, or certificateholder.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to insurance; amending s. 627.410, F.S.; modifying filing requirements for approval of health insurance policy forms and rates by the Department of Insurance;

**Amendment 5 (721334)(with title amendment)**—On page 1, line 19, insert:

Section 1. Subsection (3) of section 626.091, Florida Statutes, is amended to read:

626.091 "Managing general agent" defined.—

(3) No insurer shall enter into an agreement with any person, except as provided in subsection (1), to manage the business written in this state by the general lines agents appointed by the insurer or appointed by the managing general agent on behalf of the insurer unless the person is properly licensed and appointed as a managing general agent in this state. An insurer shall be responsible for the acts of its managing general agent when the agent acts within the scope of his or her authority. *A licensed managing general agent may appoint licensed insurance agents directly, and such agents may transact insurance on behalf of insurers without appointment by such insurers, provided that the managing general agent or insurer notifies the department in writing of the agents appointed by the managing general agent who is authorized to transact insurance on behalf of the insurer. Section 626.752, Florida Statutes, does not apply to any agent appointed by a managing general agent if the managing general agent holds an appointment from the insurer and such insurer or managing general agent has notified the department that such agent may transact insurance on behalf of the insurer. Provisions of this code that reference insurer appointment of agents shall be construed to reference and allow appointments by managing general agents in the same manner and shall have the same legal effect. The appointment fees shall be determined as if the insurer was making the appointment and based on the number of insurers an agent represents. The notice of authorized agents required by this subsection shall be accompanied by a written statement of the insurer certifying that it is bound by the acts of the identified agents within the scope of their employment. The department may adopt rules to implement this section.*

Section 2. Subsection (2) of section 626.331, Florida Statutes, is amended to read:

626.331 Number of appointments permitted or required.—

(2) *Except as provided in s. 626.091(3)*, an agent shall be required to have a separate appointment as to each insurer by whom he or she is appointed as an agent.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending ss. 626.091, 626.331, F.S.; authorizing a licensed managing general agent to appoint licensed insurance agents directly; providing requirements for such appointments;

Pursuant to Rule 4.19, **CS for HB 339** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by two-thirds vote **HB 1011** and **HB 1013** were withdrawn from the Committee on Ethics and Elections and substituted for **CS for SB 334**.

On motion by Senator Saunders—

**HB 1011**—A bill to be entitled An act relating to absentee ballots; amending s. 97.021, F.S.; revising the definition of “absent elector” to remove the “for cause” requirements; amending s. 101.657, F.S.; revising a cross reference, to conform; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; amending s. 101.647, F.S.; prescribing information that an absent elector’s designee must include with an absentee ballot; amending s. 101.694, F.S.; deleting certain printing specifications for envelopes sent to federal postcard applicants for absentee ballots; amending s. 104.047, F.S.; prohibiting the offer, provision, or receipt of a pecuniary or other benefit for witnessing an absentee ballot except as provided by law; providing penalties; deleting a prohibition against persons witnessing more than five ballots in an election; repealing s. 101.685, F.S., relating to absentee ballot coordinators; providing effective dates.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

**Amendment 1 (405740)(with title amendment)**—On page 11, line 15, delete “*witnessing*,”

And the title is amended as follows:

On page 1, lines 18-21, delete those lines and insert: amending s. 104.047, F.S.;

Pursuant to Rule 4.19, **HB 1011** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

**HB 1013**—A bill to be entitled An act relating to voter registration; repealing s. 97.056, F.S., relating to in-person voting requirements for certain persons who register by mail; amending s. 97.071, F.S.; deleting procedures for mailing voter registration identification cards; amending s. 97.1031, F.S.; revising cross references, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1013** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 364** and **CS for SB 366** was deferred.

On motion by Senator Saunders—

**SB 1656**—A bill to be entitled An act relating to political committees; amending s. 106.011, F.S.; redefining the term “political committee” for purposes of the campaign finance laws; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1656** to **HB 2165**.

Pending further consideration of **SB 1656** as amended, on motion by Senator Saunders, by two-thirds vote **HB 2165** was withdrawn from the Committee on Ethics and Elections.

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

**HB 2165**—A bill to be entitled An act relating to the definition of “political committee”; amending s. 106.011, F.S.; modifying the definition of “political committee”; providing an effective date.

—a companion measure, was substituted for **SB 1656** as amended and read the second time by title.

Senator Silver moved the following amendment which was adopted:

**Amendment 1 (945198)(with title amendment)**—On page 2, line 23, insert:

Section 2. Subsection (5) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) Ten thousand dollars, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) Five thousand dollars, for a candidate for multicounty office.

(c) ~~Five thousand~~ ~~Two thousand five hundred~~ dollars multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) One thousand dollars multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) Six thousand dollars, for a candidate for retention as a justice of the Supreme Court.

(f) Three thousand dollars, for a candidate for retention as a judge of a district court of appeal.

(g) One thousand five hundred dollars, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate’s public office. Such expenses may include travel expenses incurred by the officer or a staff member, personal taxes payable on office account funds by the candidate or elected public official, or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case

of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-5, delete those lines and insert: An act relating to elections; amending s. 106.011, F.S.; modifying the definition of "political committee"; amending s. 106.141, F.S.; increasing the amount which may be transferred to an office account; providing an effective date.

Pursuant to Rule 4.19, **HB 2165** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, consideration of **SB 1652** was deferred.

On motion by Senator Casas, by two-thirds vote **HB 295** was withdrawn from the Committee on Ethics and Elections.

On motion by Senator Casas—

**HB 295**—A bill to be entitled An act relating to candidates for public office; amending s. 99.012, F.S.; eliminating the requirement that a subordinate officer, deputy sheriff, or police officer who is seeking public office and who is not required to resign to run for that office must, upon qualifying, take a leave of absence without pay during the period of that candidacy; providing an effective date.

—a companion measure, was substituted for **SB 1502** and read the second time by title.

Pursuant to Rule 4.19, **HB 295** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, consideration of **CS for SB 270** was deferred.

On motion by Senator Kurth—

**CS for CS for SB 1098**—A bill to be entitled An act relating to foster care; amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to continue providing foster care services to certain individuals who are enrolled full-time in a degree-granting program in a postsecondary educational institution; specifying circumstances under which such services shall be terminated; providing an appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1098** to **HB 679**.

Pending further consideration of **CS for CS for SB 1098** as amended, on motion by Senator Kurth, by two-thirds vote **HB 679** was withdrawn from the Committees on Children and Families; and Fiscal Policy.

On motion by Senator Kurth—

**HB 679**—A bill to be entitled An act relating to foster care; amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to continue providing foster care services to certain individuals who are enrolled full-time in a degree-granting program in a postsecondary educational institution; specifying circumstances under which such services shall be terminated; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1098** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 679** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

**CS for SB 270**—A bill to be entitled An act relating to elections; amending s. 101.657, F.S.; providing an alternative procedure for voting by absentee ballot; amending s. 102.012, F.S.; eliminating a requirement that election boards be composed of three inspectors and a clerk; eliminating the requirement that pollworkers be trained at formal classes; amending s. 102.021, F.S., to conform; amending s. 102.031, F.S.; providing for a deputy sheriff to be present at each polling place; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 270** to **CS for HB 917**.

Pending further consideration of **CS for SB 270** as amended, on motion by Senator Sebesta, by two-thirds vote **CS for HB 917** was withdrawn from the Committee on Ethics and Elections.

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

**CS for HB 917**—A bill to be entitled An act relating to elections; amending s. 100.361, F.S.; providing for municipal recall petitions to be attested to by a witness; removing determination of facial validity by the clerk; amending s. 101.657, F.S.; providing an alternative procedure for voting by absentee ballot; amending s. 102.012, F.S.; eliminating a requirement that election boards be composed of three inspectors and a clerk; eliminating the requirement that pollworkers be trained at formal classes; amending s. 102.021, F.S., to conform; amending s. 102.031, F.S.; providing for a deputy sheriff to be present at each polling place; providing an effective date.

—a companion measure, was substituted for **CS for SB 270** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 917** was placed on the calendar of Bills on Third Reading.

## THE PRESIDENT PRESIDING

On motion by Senator Horne—

**CS for CS for SB 1450**—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; providing findings and declarations; creating the Higher Educational Facilities Financing Authority; providing for its powers; providing for criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; requiring bond-validation proceedings; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by this act are educational institutions for purposes of state taxation; providing an effective date.

—was read the second time by title.

Senator Sebesta moved the following amendment which was adopted:

**Amendment 1 (943122)(with title amendment)**—On page 32, between lines 14 and 15, insert:

Section 32. Section 196.198, Florida Statutes, is amended to read:

196.198 Educational property exemption.—Educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes shall be exempt from taxation. Sheltered workshops providing rehabilitation and retraining of disabled individuals and exempted by a certificate under s. (d) of the federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and shall be exempted from certification, accreditation, and membership requirements set forth in s. 196.012. Those portions of property of college fraternities and sororities certified by the president of the college or university to the appropriate property appraiser as being essential to the educational

process, shall be exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616 is presumed to be an educational use of such property and shall be exempt from ad valorem taxation to the extent of such use. Property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the educational institution is owned by the identical persons who own the property. *If legal title to property is held by a governmental agency that leases the property to a lessee, the property shall be deemed to be owned by the governmental agency and used exclusively for educational purposes if the governmental agency continues to use such property exclusively for educational purposes pursuant to a sublease or other contractual agreement with that lessee.* If the title to land is held by the trustee of an irrevocable inter vivos trust and if the trust grantor owns 100 percent of the entity that owns an educational institution that is using the land exclusively for educational purposes, the land is deemed to be property owned by the educational institution for purposes of this exemption. Property owned by an educational institution shall be deemed to be used for an educational purpose if the institution has taken affirmative steps to prepare the property for educational use. Affirmative steps means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate commitment of the property to an educational use.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 22, following the semicolon (;) insert: amending s. 196.198, F.S.; maintaining exemption from taxation for property leased from a governmental agency if the agency continues to use the property exclusively for educational purposes;

Pursuant to Rule 4.19, **CS for CS for SB 1450** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## MOTIONS

On motions by Senator Rossin, the House was requested to return **CS for SJR 1008, CS for SB 1720, SB 2168** and **CS for CS for CS for SB 2446**.

On motion by Senator Horne, by two-thirds vote **HB 2263** was withdrawn from the Committee on Governmental Oversight and Productivity.

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

**HB 2263**—A bill to be entitled An act relating to education governance; creating the Florida Education Governance Reorganization Act of 2000; providing a short title; providing for legislative policy; providing for Florida education governance reorganization; establishing the Florida Board of Education; providing for appointment, powers, and duties; providing for Florida education governance officers; providing for a Commissioner of Education; providing for a Chancellor of K-12 Education; providing for a Chancellor of State Universities; providing for a Chancellor of Community Colleges and Career Preparation; providing for a Chancellor of Nonpublic and Nontraditional Education; providing for an Education Governance Reorganization Transition Commission; providing powers and duties; providing for the future review and repeal of s. 20.15, F.S., relating to the Department of Education, s. 229.012, F.S., relating to the composition of the State Board of Education, s. 229.053, F.S., relating to the general powers of the state board, s. 229.512, F.S., relating to the Commissioner of Education, s. 229.551, F.S., relating to educational management, s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability, s. 229.601, F.S., relating to the career education program, s. 229.6058, F.S., relating to the school readiness pilot program, s. 229.8341, F.S., relating to services for infants and preschool children, s. 230.64, F.S., relating to area technical centers, s. 235.014, F.S., relating to functions of the Department of Education, s. 235.05(3), F.S., relating to the power of the Board of Regents to exercise the right of eminent domain, s. 235.057, F.S., relating to the purchase, conveyance, or encumbrance of certain property interests and joint-occupancy structures, s.

235.15, F.S., relating to the educational plant survey and PECO project funding, s. 235.195, F.S., relating to cooperative development and the use of facilities by two or more school boards, s. 235.199, F.S., relating to the cooperative funding of vocational educational facilities, s. 235.41, F.S., relating to legislative capital outlay budget requests, s. 235.42, F.S., relating to described educational funds, ch. 239, F.S., relating to vocational, adult, and community education, ch. 240, F.S., relating to postsecondary education, s. 241.002, F.S., relating to duties of the Department of Education, s. 241.003, F.S., relating to the Florida Distance Learning Network Advisory Council, s. 241.004, F.S., relating to the Educational Technology Grant Program, s. 244.01, F.S., relating to regional education, ss. 244.02 and 244.03, F.S., relating to the Southern Regional Compact, ch. 246, F.S., and relating to nonpublic postsecondary institutions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1680** and read the second time by title.

Senator Horne moved the following amendments which were adopted:

**Amendment 1 (264344)**—On page 5, line 7, after “systems” insert: *while ensuring that nonpublic education institutions and home education programs maintain their independence, autonomy, and non-governmental status*

**Amendment 2 (074294)**—On page 6, line 10, delete “A Chancellor” and insert: *An Executive Director*

**Amendment 3 (983854)**—On page 6, line 13, after “chancellor” insert: *and executive director*

Senator Klein moved the following amendment which failed:

**Amendment 4 (825284)**—On page 6, lines 20-23, delete those lines

Senator Horne moved the following amendments which were adopted:

**Amendment 5 (291860)**—On page 9, line 24, delete “Chancellor” and insert: *Executive Director*

**Amendment 6 (402998)**—On page 11, lines 20 and 21, delete those lines and insert:

(5) *EXECUTIVE DIRECTOR OF NONPUBLIC AND NONTRADITIONAL EDUCATION.—The Executive Director of Nonpublic and Non-traditional*

**Amendment 7 (312250)(with title amendment)**—On page 12, lines 5, 10, 14, 23, 27, and 30; on page 13, lines 3, 6, and 8; on page 14, line 22; on page 15, lines 12 and 26; and on page 16, line 2, delete “commission” and insert: *task force*

And the title is amended as follows:

On page 1, line 18, delete “commission” and insert: *task force*

Senator Horne moved the following amendment:

**Amendment 8 (820416)**—On page 12, lines 8-13, delete those lines and insert: *the appointed Florida Board of Education, there shall be established the Education Governance Reorganization Transition Task Force. All members of the task force shall be appointed as soon as feasible but not later than October 1, 2000. The task force shall be comprised of:*

(a) *Five members appointed by the Governor;*

(b) *Three members appointed by the President of the Senate; and*

(c) *Three members appointed by the Speaker of the House of Representatives.*

*The transition*

Senator Klein moved the following substitute amendment which failed:

**Amendment 9 (590708)**—On page 12, lines 8-13, delete those lines and insert: *the appointed Florida Board of Education, there shall be established the Education Governance Reorganization Transition Task Force. All members of the task force shall be appointed as soon as feasible but not later than October 1, 2000. The task force shall be comprised of:*

- (a) Four members appointed by the Governor;
- (b) Two members appointed by the President of the Senate;
- (c) Two members appointed by the Speaker of the House of Representatives;
- (d) One member appointed by the Commissioner of Education;
- (e) One member appointed by the Board of Regents; and
- (f) One member appointed by the State Board of Community Colleges.

*The transition*

The question recurred on **Amendment 8** which was adopted.

Senator Horne moved the following amendment:

**Amendment 10 (264406)**—On page 13, lines 3-9, delete those lines and insert:

(3) *The transition task force may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the task force all relevant information and assistance on any matter within their knowledge or control. The transition task force, in consultation with the Executive Office of the Governor, may utilize consultants, studies, and other methods of gathering information to assist in developing its recommendations.*

(4) *By March 1, 2001, the transition task force shall recommend to the Legislature:*

Senator Klein moved the following substitute amendment which was adopted:

**Amendment 11 (334918)**—On page 13, lines 3-9, delete those lines and insert:

(3) *The transition task force may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the task force all relevant information and assistance on any matter within their knowledge or control. The transition task force may utilize consultants, studies, and other methods of gathering information to assist in developing its recommendations.*

(4) *By March 1, 2001, the transition task force shall recommend to the Legislature:*

Senator Horne moved the following amendments which were adopted:

**Amendment 12 (473892)**—On page 13, line 12 through page 15, line 11, delete those lines and insert:

1. *Combining appropriate education functions and policies into or under the new Florida Board of Education.*

2. *Devolving the education delivery services and operational decisions to the appropriate location of delivery to students, specifically the schools, community colleges, colleges, universities, area technical centers, and other education institutions or places where the students receive their education.*

3. *Providing for a single or coordinated kindergarten through graduate school education budget.*

(b) *How best to achieve economies in education services, including recommendations concerning consolidation of information systems and integrated performance and financial accounting systems, while maximizing effectiveness within existing resources and staff.*

(c)1. *Which, if any, current education staff functions and resources should be eliminated, transferred, or realigned within the proposed new education organizational structure.*

2. *A recommended salary structure for the Commissioner of Education and for the chancellors.*

(d) *Whether an Office of Policy Research should be established to explore emerging issues, locate successful and innovative educational programs, and make recommendations to the Governor, the Florida*

*Board of Education, and the Legislature and, if so, its mission, staffing, and location.*

(e) *The optimal mission of the Florida On-Line High School and a methodology for the operation and funding of the school to achieve that mission.*

(f) *The optimal location and structure of the Florida Partnership for School Readiness.*

(5) *By March 1, 2002, the transition task force shall recommend to the Legislature:*

(a) *Standards, definitions, and guidelines for universities, colleges, community colleges, schools, and other education institutions to ensure the quality of education, systemwide coordination, and efficient progress toward attainment of their appropriate missions.*

(b) *Rules and procedures as necessary to be followed by university boards of trustees, community college boards of trustees, and other boards of trustees, as determined appropriate, for recruitment and selection of presidents, procedures for annual evaluations of presidents, and procedures for interaction between presidents, the boards of trustees, and the new Florida Board of Education.*

(c) *A systemwide strategic plan for postsecondary institutions that considers the role, in their respective communities, of each of the institutions.*

(d) *Methodologies for degree program approval, establishment of matriculation and tuition fees, and coordination of colleges' and universities' budget requests.*

(e) *Any additional statutory changes needed during the 2002 legislative session to complete the education governance reorganization transition.*

**Amendment 13 (793654)**—In title, on page 1, line 15, delete "Chancellor" and insert: Executive Director

**Amendment 14 (264104)(with title amendment)**—On page 16, between lines 11 and 12, insert:

Section 7. *The Board of Regents shall be in substantive compliance with the last paragraph preceding specific appropriation 178 of House Bill 2145 by submitting to the Executive Office of the Governor, President of the Senate and the Speaker of the House of Representatives, a plan for staffing and alignment of duties and functions consistent with recommendations reported by the Task Force as provided for in this act. The plan shall be completed within 30 days after the first report due from the task force but no later than April 1, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 3, after the semicolon (;) insert: providing for development of a staffing plan from the Board of Regents

Senator Thomas moved the following amendment which was adopted:

**Amendment 15 (304546)(with title amendment)**—On page 16, between lines 11 and 12, insert:

Section 7. *The baseball field at Florida A & M University is hereby designated as the "Oscar A. Moore-Costa Kittles Baseball Field."*

Section 8. *The tennis courts at Florida A & M University are hereby designated as the "Althea Gibson Tennis Courts."*

Section 9. *The Athletic Center at Florida Atlantic University's Boca Raton Campus is hereby designated as the "Tom Oxley Athletic Center and Fields."*

Section 10. *A new Fine Arts Building at Florida Atlantic University's John D. MacArthur Campus in Jupiter is hereby designated as the "Hibel Fine Arts Building" in recognition of Edna Hibel.*

Section 11. *New classroom and office space for the College of Business at Florida Atlantic University's Boca Raton Campus is hereby designated as the "Carl DeSantis Pavilion."*

Section 12. *The new presidential residence at Florida Atlantic University's Boca Raton Campus is hereby designated as the "Eleanor R. Baldwin House."*

Section 13. *Academic Building #2, which houses the Colleges of Arts & Sciences and Business at Florida Gulf Coast University, is hereby designated as "Charles B. Reed Hall" in recognition of the former chancellor of the State University System of Florida.*

Section 14. *The Student Services Building at Florida Gulf Coast University is hereby designated as the "Roy E. McTarnaghan Hall" in recognition of the founding president of Florida Gulf Coast University.*

Section 15. *The Seminole Golf Course at Florida State University is hereby designated as the "Don A. Veller Seminole Golf Course."*

Section 16. *Building #76 at Florida State University is hereby designated as "William A. Tanner Hall."*

Section 17. *Building #1012, located on the Panama City Campus of Florida State University, is hereby designated as the "Larson M. Bland Conference Center."*

Section 18. *The new clubhouse building at the Seminole Golf Course at Florida State University is hereby designated as the "David Middleton Golf Center."*

Section 19. *The building known as the Administration Building located at the University of Central Florida is hereby designated as "Millican Hall" in recognition of Dr. Charles N. Millican, the founding president of the University of Central Florida.*

Section 20. *The building known as the Humanities and Fine Arts Building at the University of Central Florida is hereby designated as "Colbourn Hall" in recognition of Dr. Trevor Colbourn, the second president of the University of Central Florida.*

Section 21. *The facility to house the Honors College at the University of Central Florida is hereby designated as "Burnett Hall."*

Section 22. *The Cancer Center at the University of Florida is hereby designated as the "Jerry W. and Judith S. Davis Cancer Center."*

Section 23. *The University Athletic Center at the University of Florida is hereby designated as the "L. Gale Lemerand Athletics Center."*

Section 24. *The tennis facility at the University of Florida is hereby designated as the "Alfred A. Ring Tennis Complex."*

Section 25. *The Center for the Performing Arts at the University of Florida is hereby designated as the "Curtis M. Phillips Center for the Performing Arts."*

Section 26. *The Golf Management and Learning Center at the University of North Florida is hereby designated as the "John and Geraldine Hayt Golf Management and Learning Center."*

Section 27. *The student residence at the University of South Florida currently known as Gamma Hall is hereby designated as "Betty Castor Hall," in recognition of the fifth president of the University of South Florida.*

Section 28. *The IFAS North Florida Research and Education Center located at Quincy, Florida, is designated as the "Fount May, Sr., Research Center."*

Section 29. *Senator Howard C. Forman Human Services Campus designation; markers.—*

(1) *The property on University Drive and Pembroke Road in Pembroke Pines, upon which the state mental institution, the state veterans' home, and other human services institutions are located, is hereby designated as the Senator Howard C. Forman Human Services Campus.*

(2) *The Department of Children and Family Services is authorized to erect suitable markers for the "Senator Howard C. Forman Human Services Campus designation made by subsection (1).*

Section 30. *The School of Architecture building at the University Park Campus of the Florida International University is hereby designated as the "Paul L. Cejas School of Architecture Building."*

Section 31. *The new residence hall at the University of West Florida is hereby designated as "John G. Martin Hall."*

Section 32. *The renovated student services area at the University of Central Florida is hereby designated as the "Jimmy A. Ferrell Student Services Commons."*

Section 33. *The state veterans' home in Pembroke Pines is hereby designated as the "Alexander 'Sandy' Nininger, Jr., State Veterans' Nursing Home."*

Section 34. *The respective universities set forth in this act are authorized to erect suitable markers for the designations made by this act.*

Section 35. *The Bartow Agricultural Center is hereby redesignated as the "Bob Crawford Agricultural Center."*

Section 36. *The Science and Education Building at the Southeast Campus of Florida Atlantic University in Davie is renamed the "Senator James A. Scott Building."*

Section 37. *Frank Wacha Bridge designation; markers.—*

(1) *The bridge on the Jensen Beach Causeway in Martin County is hereby designated as the "Frank Wacha Bridge."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Frank Wacha Bridge" as described in subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to education; designating the baseball field at Florida A & M University as the "Oscar A. Moore-Costa Kittles Baseball Field"; designating the tennis courts at Florida A & M University as the "Althea Gibson Tennis Courts"; designating the Athletic Center at Florida Atlantic University's Boca Raton Campus as the "Tom Oxley Athletic Center and Fields"; designating a new Fine Arts Building at Florida Atlantic University's John D. MacArthur Campus in Jupiter as the "Hibel Fine Arts Building"; designating new classroom and office space for the College of Business at Florida Atlantic University's Boca Raton Campus as the "Carl DeSantis Pavilion"; designating the new presidential residence at Florida Atlantic University's Boca Raton Campus as the "Eleanor R. Baldwin House"; designating Academic Building #2 at Florida Gulf Coast University as "Charles B. Reed Hall"; designating the Student Services Building at Florida Gulf Coast University as "Roy E. McTarnaghan Hall"; designating the Seminole Golf Course at Florida State University as the "Don A. Veller Seminole Golf Course"; designating Building #76 at Florida State University as "William A. Tanner Hall"; designating Building #1012 on the Panama City Campus of Florida State University as the "Larson M. Bland Conference Center"; designating the new clubhouse building at the Seminole Golf Course at Florida State University as the "David Middleton Golf Center"; designating the Administration Building at the University of Central Florida as "Millican Hall"; designating the Humanities and Fine Arts Building at the University of Central Florida as "Colbourn Hall"; designating the facility to house the Honors College at the University of Central Florida as "Burnett Hall"; designating the Cancer Center at the University of Florida as the "Jerry W. and Judith S. Davis Cancer Center"; designating the University Athletic Center at the University of Florida as the "L. Gale Lemerand Athletics Center"; designating the tennis facility at the University of Florida as the "Alfred A. Ring Tennis Complex"; designating the Center for the Performing Arts at the University of Florida as the "Curtis M. Phillips Center for the Performing Arts"; designating the Golf Management and Learning Center at the University of North Florida as the "John and Geraldine Hayt Golf Management and Learning Center"; designating the student residence currently known as Gamma Hall at the University of South Florida as "Betty Castor Hall"; designating the IFAS North Florida Research and Education Center as the "Fount May, Sr., Research Center"; designating the School of Architecture building at the University Park Campus of the Florida International University as the "Paul L. Cejas School of Architecture Building"; designating the new residence hall at the University of West Florida as "John G. Martin Hall"; designating certain property at University Drive and Pembroke Road in Pembroke Pines as the Senator Howard C. Forman Human Services Campus"; authorizing the erection of suitable markers; designating the renovated student services area at the University of Central Florida as the "Jimmy A.

Ferrell Student Services Commons"; designating the state veterans' home in Pembroke Pines as the "Alexander 'Sandy' Nininger, Jr., State Veterans' Nursing Home"; designating the Bartow Agricultural Center as the "Bob Crawford Agricultural Center"; designating the Science and Education Building at the Southeast Campus of Florida Atlantic University in Davie as the "Senator James A. Scott Building"; designating a bridge on the Jensen Beach Causeway in Martin County as the "Frank Wacha Bridge"; authorizing the respective universities to erect suitable markers;

Senators Scott and Rossin offered the following amendment which was moved by Senator Scott and adopted:

**Amendment 16 (384264)**—On page 6, line 23, after the period (.) insert: *All members of the board of trustees of Florida Atlantic University must reside within the service area of the university; three must be residents of Broward County, three must be residents of Palm Beach County, and three may be residents of any county within the service area.*

Senator Horne moved the following amendment which was adopted:

**Amendment 17 (021278)(with title amendment)**—On page 16, between lines 11 and 12, insert:

*Section 7. Effective July 1, 2000, the sum of \$100,000 from the General Revenue Fund is transferred from the Board of Regents General Office, the sum of \$50,000 from the General Revenue Fund is transferred from the Division of Community Colleges, and the sum of \$100,000 from the General Revenue Fund is transferred from the Department of Education, to the Executive Office of the Governor, Office of Planning and Budgeting, to implement this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 3, after the semicolon (;) insert: transferring \$100,000 from the General Revenue Fund from the Board of Regents, \$50,000 from the General Revenue Fund from the Division of Community Colleges, and \$100,000 from the Department of Education, to the Executive Office of the Governor;

Pursuant to Rule 4.19, **HB 2263** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart, by two-thirds vote **HB 2127** was withdrawn from the Committees on Governmental Oversight and Productivity; and Commerce and Economic Opportunities.

On motion by Senator Diaz-Balart—

**HB 2127**—A bill to be entitled An act relating to state procurement; amending s. 287.094, F.S.; revising provisions relating to minority business enterprise programs; providing for revoking the certification of certain minority businesses under certain circumstances; providing exceptions; prohibiting agencies from denying contractors, firms, or individuals an opportunity to compete in public procurement of commodities and services under certain circumstances; providing for filing of certain complaints; providing procedures and requirements; providing a penalty for certain discrimination; amending s. 287.0943, F.S.; requiring the Office of Supplier Diversity to accept certain businesses as certified minority businesses for certain purposes under certain circumstances; revising the appointment criteria for the Minority Business Certification Task Force; revising criteria for certification of minority business enterprises; requiring businesses to comply with state licensing requirements for certain certification; providing for review or audit of certain businesses under certain circumstances; providing for random reviews or audits of certain business by the Office of Supplier Diversity; authorizing the Auditor General to review or audit certain minority businesses for certain purposes; transferring the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services and renaming the office as the Office of Supplier Diversity; amending s. 287.09451, F.S., to conform to such transfer and renaming; amending s. 288.703, F.S.; revising certain definitions; creating s. 287.134, F.S.; providing definitions; prohibiting certain entities or affiliates from bidding on certain contracts; prohibiting public entities from accepting certain bids from, awarding certain contracts to, or transacting business with certain entities; requiring invitations to bid, requests for proposals, and certain written

contracts to contain notice of provisions; providing requirements, procedures, and limitations for determinations of discrimination by certain entities; providing for notice and administrative hearings; providing for nonapplication to certain activities; amending ss. 17.11, 255.102, 287.012, 287.042, 287.057, and 287.9431, F.S., to conform; providing an effective date.

—a companion measure, was substituted for **SB 2618** and read the second time by title.

Senators Jones and Meek offered the following amendment which was moved by Senator Jones and failed:

**Amendment 1 (082660)**—On page 36, lines 23 and 24, after "senior" insert: *or middle*

Senator Jones moved the following amendments which failed:

**Amendment 2 (834334)**—On page 36, delete line 21 and redesignate subsequent sub-subparagraphs.

**Amendment 3 (843384)**—On page 9, lines 18-21, delete those lines and insert:

*(f) When a business receives payments or awards exceeding \$100,000 in one fiscal year, a review of its certification status will be conducted within 2 years. In addition, random reviews will be*

Pursuant to Rule 4.19, **HB 2127** was placed on the calendar of Bills on Third Reading.

**CS for SB 238**—A bill to be entitled An act relating to revenue for school construction; amending s. 125.01, F.S.; limiting the ability of counties to levy school impact fees; providing for the distribution to school boards of certain funds appropriated in the General Appropriations Act; providing for uses of appropriated funds; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment:

**Amendment 1 (440496)(with title amendment)**—On page 2, between lines 2 and 3, insert:

Section 3. Section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(1) Upon the final adoption of the budgets as provided in this chapter, the budgets so adopted shall regulate the expenditures of the county and each special district included within the county budget, and the itemized estimates of expenditures shall have the effect of fixed appropriations and shall not be amended, altered, or exceeded except as provided in this chapter.

(a) The modified-accrual basis or accrual basis of accounting must be followed for all funds in accordance with generally accepted accounting principles.

(b) The cost of the investments provided in this chapter, or the receipts from their sale or redemption, must not be treated as expense or income, but the investments on hand at the beginning or end of each fiscal year must be carried as separate items at cost in the fund balances; however, the amounts of profit or loss received on their sale must be treated as income or expense, as the case may be.

(2) The board at any time within a fiscal year may amend a budget for that year, *and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year*, as follows:

(a) Appropriations for expenditures in any fund may be decreased and other appropriations in the same fund correspondingly increased by motion recorded in the minutes, provided that the total of the appropriations of the fund may not be changed. The board of county commissioners, however, may establish procedures by which the designated budget officer may authorize certain intradepartmental budget amendments, provided that the total appropriation of the department may not be changed.

(b) Appropriations from the reserve for contingencies may be made to increase the appropriation for any particular expense in the same fund, or to create an appropriation in the fund for any lawful purpose, but expenditures may not be charged directly to the reserve for contingencies.

(c) The reserve for future construction and improvements may be appropriated by resolution of the board for the purposes for which the reserve was made.

(d) A receipt of a nature from a source not anticipated in the budget and received for a particular purpose, including but not limited to grants, donations, gifts, or reimbursement for damages, may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. Such receipts and appropriations must be added to the budget of the proper fund. The resolution may amend the budget to transfer revenue between funds to properly account for unanticipated revenue.

(e) Increased receipts for enterprise or proprietary funds received for a particular purpose may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. The resolution may amend the budget to transfer revenue between funds to properly account for increased receipts.

(f) If an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), unless otherwise prohibited by law, the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing. The public hearing must be advertised at least 2 days, but not more than 5 days, before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each budget.

(3) Only the following transfers may be made between funds:

(a) Transfers to correct errors in handling receipts and disbursements.

(b) Budgeted transfers.

(c) Transfers to properly account for unanticipated revenue or increased receipts.

(4) All unexpended balances of appropriations at the end of the fiscal year shall revert to the fund from which the appropriation was made, but reserves for sinking funds and for future construction and improvements may not be diverted to other purposes.

(5) Any county constitutional officer whose budget is approved by the board of county commissioners, who has not been reelected to office or is not seeking reelection, shall be prohibited from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation, following the date he or she is eliminated as a candidate or October 1, whichever comes later, without approval of the board of county commissioners.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: amending s. 129.06, F.S.; providing a procedure by which counties may amend a prior year's budget;

On motion by Senator Horne, further consideration of **CS for SB 238** with pending **Amendment 1** was deferred.

On motion by Senator Silver, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for HB 1457.

*John B. Phelps, Clerk*

**CS for HB 1457**—A bill to be entitled An act relating to regional cultural facilities; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant that is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; providing an effective date.

### RECONSIDERATION OF BILL

On motion by Senator Silver, the Senate reconsidered the vote by which **CS for HB 1457** as amended passed May 3.

On motion by Senator Silver, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 1457** was read the third time.

On motion by Senator Silver, the Senate reconsidered the vote by which **Amendment 4 (872384)** was adopted. **Amendment 4** was withdrawn.

Senators McKay and Silver offered the following amendment which was moved by Senator Silver and adopted:

**Amendment 6 (483316)(with title amendment)**—On page 4, between lines 20 and 21, insert:

Section 2. *The John and Mable Ringling Museum of Art is transferred from the Board of Trustees of the John and Mable Ringling Museum of Art in the Department of State to the Florida State University.*

Section 3. Section 240.711, Florida Statutes, is created to read:

240.711 *Ringling Center for Cultural Arts.*—

(1) *The Florida State University Ringling Center for Cultural Arts is created. The center consists of the following properties located in Sarasota County:*

(a) *The John and Mable Ringling Museum of Art composed of:*

1. *The art museum;*
2. *The Ca' d'Zan (the Ringling residence); and*
3. *The Ringling Museum of the Circus.*

(b) *The Florida State University Center for the Fine and Performing Arts, including the Asolo Theater and the Florida State University Center for the Performing Arts, both of which shall provide for academic programs in theatre, dance, art, art history, and museum management.*

*The center shall be operated by the Florida State University, which shall be charged with encouraging participation by K-12 schools and by other colleges and universities, public and private, in the educational and cultural enrichment programs of the center.*

(2)(a) *The John and Mable Ringling Museum of Arts is designated as the official Art Museum of the State of Florida. The purpose and function of the museum is to maintain and preserve all objects of art and artifacts donated to the state through the will of John Ringling; to acquire and preserve objects of art or artifacts of historical or cultural significance; to exhibit such objects to the public; to undertake scholarly research and publication, including that relating to the collection; to provide educational programs for students at K-12 schools and those in college and graduate school and enrichment programs for children and adults; to*

assist other museums in the state and nation through education programs and through loaning objects from the collection when such loans do not threaten the safety and security of the objects; to enhance knowledge and appreciation of the collection; and to engage in other activities related to visual arts which benefit the public. The museum shall also engage in programs on the national and international level to enhance further the cultural resources of the state.

(b) The Florida State University shall approve a John and Mable Ringling Museum of Art direct-support organization. Such direct-support organization shall consist of no more than 31 members appointed by the president of the university from a list of nominees provided by the Ringling direct-support organization. No fewer than one-third of the members must be residents of Sarasota and Manatee Counties, and the remaining members may reside elsewhere. The current members of the Board of Trustees of the John and Mable Ringling Museum of Art may be members of the direct-support organization. They shall develop a charter and by-laws to govern their operation, and these shall be subject to approval by the Florida State University.

(c) The John and Mable Ringling Museum of Art direct-support organization, operating under the charter and by-laws and such contracts as are approved by the university, shall set policies to maintain and preserve the collections of the Art Museum; the Circus Museum; the furnishings and objects in the Ringling home, referred as the Ca' d'Zan; and other objects of art and artifacts in the custody of the museum. Title to all such collections, art objects, and artifacts of the museums and its facilities shall remain with the Florida State University, which shall assign state registration numbers to, and conduct annual inventories of, all such properties. The direct-support organization shall develop policy for the museum, subject to the provisions of the John Ringling will and the overall direction of the president of the university; and it is invested with power and authority to nominate a museum director who is appointed by and serves at the pleasure of the president of the university and shall report to the provost of the university or his or her designee. The museum director, with the approval of the provost or his or her designee, shall appoint other employees in accordance with Florida Statutes and rules; remove the same in accordance with Florida Statutes and rules; provide for the proper keeping of accounts and records and budgeting of funds; enter into contracts for professional programs of the museum and for the support and maintenance of the museum; secure public liability insurance; and do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the museum at the highest efficiency economically possible, while taking into consideration the purposes of the museum.

(d) Notwithstanding the provision of s. 287.057, the John and Mable Ringling Museum of Art direct-support organization may enter into contracts or agreements with or without competitive bidding, in its discretion, for the restoration of objects of art in the museum collection or for the purchase of objects of art that are to be added to the collection.

(e) Notwithstanding s. 273.055, the university may sell any art object in the museum collection, which object has been acquired after 1936, if the director and the direct-support organization recommend such sale to the president of the university and if they first determine that the object is no longer appropriate for the collection. The proceeds of the sale shall be deposited in the Ringling Museum Art Acquisition, Restoration, and Conservation Trust Fund. The university also may exchange any art object in the collection, which object has been acquired after 1936, for an art object or objects that the director and the museum direct-support organization recommend to the university after judging these to be of equivalent or greater value to the museum.

(f) An employee or member of the museum direct-support organization may not receive a commission, fee, or financial benefit in connection with the sale or exchange of a work of art and may not be a business associate of any individual, firm, or organization involved in the sale or exchange.

(g) The university, in consultation with the direct-support organization, shall establish policies and may adopt rules for the sale or exchange of works of art.

(h) The John and Mable Ringling Museum of Art direct-support organization shall cause an annual audit of its financial accounts to be conducted by an independent certified public accountant, performed in accordance with generally accepted accounting standards. Florida State

University is authorized to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of such organization. Information that, if released, would identify donors who desire to remain anonymous, is confidential and exempt from the provisions of s. 119.07(1). Information that, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when the direct-support organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. Identities of such donors and prospective donors shall not be revealed in the auditor's report.

(i) The direct-support organization is given authority to make temporary loans of paintings and other objects of art or artifacts belonging to the John and Mable Ringling Museum of Art for the purpose of public exhibition in art museums, other museums, or institutions of higher learning wherever located, including such museums or institutions in other states or countries. Temporary loans may also be made to the executive mansion in Tallahassee, chapters and affiliates of the John and Mable Ringling Museum of Art, and, for education purposes, to schools, public libraries, or other institutions in the state, if such exhibition will benefit the general public as the university deems wise and for the best interest of the John and Mable Ringling Museum of Art and under policies established by Florida State University for the protection of the paintings and other objects of art and artifacts. In making temporary loans, the direct-support organization shall give first preference to art museums, other museums, and institutions of higher learning.

(j) Notwithstanding any other provision of law, the John and Mable Ringling Museum of Art direct-support organization is eligible to match state funds in the Major Gifts Trust Fund established pursuant to s. 240.2605 as follows:

1. For the first \$1,353,750, matching shall be on the basis of 75 cents in state matching for each dollar of private funds.

2. For additional funds, matching shall be provided on the same basis as is authorized in s. 240.2605.

Section 4. Sections 265.26 and 265.261, Florida Statutes, are repealed.

Section 5. Paragraph (e) of subsection (1) of section 265.2861, Florida Statutes, is amended to read:

265.2861 Cultural Institutions Program; trust fund.—

(1) CULTURAL INSTITUTIONS TRUST FUND.—There is created a Cultural Institutions Trust Fund to be administered by the Department of State for the purposes set forth in this section and to support the following programs as follows:

(e) For the officially designated Art Museum of the State of Florida described in s. 240.711, \$2.2 million, and for state-owned cultural facilities assigned to the Department of State, which receive a portion of any operating funds from the Department of State and one of the primary purposes of which is the presentation of fine arts or performing arts, \$500,000 not less than \$2.2 million.

The trust fund shall consist of moneys appropriated by the Legislature, moneys deposited pursuant to s. 607.1901(2), and moneys contributed to the fund from any other source.

Section 6. Subsection (11) of section 565.02, Florida Statutes, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(11) ~~The Board of Trustees of the~~ John and Mable Ringling Museum of Art direct-support organization may obtain a license upon the payment of an annual license tax of \$400. Such license shall permit sales for consumption on the premises of the museum in conjunction with artistic, educational, cultural, civic, or charitable events held on the premises of the museum under the auspices or authorization of the licensee. The issuing of a license under this subsection is not subject to any quota or limitation, except that the license shall be issued only to the direct-support organization ~~board of trustees~~ of the museum or its ~~the board's~~ designee. Except as otherwise provided in this subsection, the entity licensed hereunder shall be treated as a vendor licensed to sell by the

drink the beverages mentioned herein and shall be subject to all provisions relating to such vendors.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, following the semicolon (;) insert: transferring the John and Mable Ringling Museum of Art to Florida State University; creating s. 240.711, F.S.; creating the Ringling Center for Cultural Arts; providing for its governance, for a direct-support organization, and for operations; providing powers of the university and its agents and employees; repealing s. 265.26, F.S., relating to the Trustees of the John and Mable Ringling Museum of Art; repealing s. 265.261, F.S., relating to that museum's direct-support organization; amending s. 265.2861, F.S.; revising distributions from the Cultural Institutions Trust Fund; amending s. 565.02, F.S.; transferring the beverage license of the museum board of trustees to the direct-support organization;

On motion by Senator Silver, by two-thirds vote **CS for HB 1457** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz de la Portilla	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Webster
Cowin	Horne	Meek	
Dawson	Jones	Mitchell	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives requests the return of HB 1993.

*John B. Phelps, Clerk*

**HB 1993**—A bill to be entitled An act relating to protection of vulnerable persons; creating the Task Force on the Availability and Affordability of Long-term Care; providing for membership and duties; providing for staff and expenses; requiring a report; providing for the expiration of the task force; providing an appropriation; amending s. 400.6065, F.S.; providing employment screening requirements for hospice personnel; providing penalties; renumbering and amending s. 402.48, F.S.; revising the definition of "health care services pool"; providing background screening requirements for applicants for registration, managing employees, and financial officers of such entities, and certain others; providing penalties; requiring such entities to obtain a certificate of registration from the Agency for Health Care Administration; providing for injunction; revising application procedures; revising responsibilities regarding temporary employees; increasing a penalty; transferring powers, duties, functions, and appropriations relating to health care services pools from the Department of Health to the Agency for Health Care Administration; amending s. 415.102, F.S.; revising definitions; amending s. 415.103, F.S.; providing for a central abuse hotline to receive reports of abuse, neglect, or exploitation of vulnerable adults; amending s. 415.1034, F.S.; conforming provisions relating to mandatory reporting; amending s. 415.1035, F.S.; providing duty of the Department of Children and Family Services to ensure that facilities inform residents of their right to report abuse, neglect, or exploitation; amending s. 415.1036, F.S.; conforming provisions relating to immunity of persons making reports; amending ss. 415.104 and 415.1045, F.S.; revising provisions relating to protective investigations; extending the time limit for completion of the department's investigation; providing for access to records and documents; providing for working agreements with law enforcement entities; amending s. 415.105, F.S.; authorizing the department to petition the court to enjoin interference with the provision of protective services; amending s. 415.1051, F.S.; providing for enforcement of court-ordered protective services when any person interferes; amending s. 415.1052, F.S., relating to interference with investigations

or provision of services; amending s. 415.1055, F.S.; deleting provisions relating to notification to subjects, reporters, law enforcement, and state attorneys of a report alleging abuse, neglect, or exploitation; amending s. 415.106, F.S., relating to cooperation by criminal justice and other agencies; amending s. 415.107, F.S.; providing certain access to confidential records and reports; providing that information in the central abuse hotline may not be used for employment screening; amending s. 415.1102, F.S.; revising provisions relating to adult protection teams; amending s. 415.111, F.S., relating to criminal penalties; amending s. 415.1111, F.S.; revising provisions relating to civil penalties; amending s. 415.1113, F.S., relating to administrative fines for false reporting; amending s. 415.113, F.S., relating to treatment by spiritual means; amending s. 435.03, F.S.; revising provisions relating to level 1 and level 2 screening standards; amending s. 435.05, F.S.; revising provisions relating to screening requirements for covered employees; amending s. 435.07, F.S., relating to exemptions; amending s. 435.08, F.S., relating to payment for processing records checks; amending s. 435.09, F.S., relating to confidentiality of background check information; creating ss. 435.401, 435.402, 435.403, and 435.405, F.S.; providing special work history checks for caregivers of vulnerable adults; providing definitions; requiring certain organizations that hire, contract with, or register for referral such caregivers to obtain service letters regarding applicants from all previous such organizations with whom the applicant worked within a specified period; providing duties of such applicants and organizations; providing penalties; providing for conditional employment, contract, or registration for referral for a specified period; providing for good faith efforts to perform required duties; providing for certain burden of proof; providing penalties for persons or organizations that knowingly provide certain false or incomplete information; providing certain immunity from civil liability; protecting certain information from discovery in legal or administrative proceedings; providing for enforcement by the Agency for Health Care Administration; providing for disposition of fines; requiring rules; amending ss. 20.43, 455.712, and 468.520, F.S.; deleting references to health care services pools in provisions relating to the Department of Health; correcting a cross reference; amending ss. 39.202, 90.803, 110.1127, 112.0455, 119.07, 232.50, 242.335, 320.0848, 381.0059, 381.60225, 383.305, 390.015, 393.067, 393.0674, 394.459, 394.875, 355.0055, 395.0199, 395.3025, 397.461, 400.022, 400.071, 400.215, 400.414, 400.4174, 400.426, 400.428, 400.462, 400.471, 400.495, 400.506, 400.509, 400.512, 400.5572, 400.628, 400.801, 400.805, 400.906, 400.931, 400.95, 400.953, 400.955, 400.962, 400.964, 402.3025, 402.3125, 402.313, 409.175, 409.912, 430.205, 447.208, 447.401, 464.018, 468.826, 468.828, 483.101, 483.30, 509.032, 744.309, 744.474, 744.7081, 775.21, 916.107, 943.0585, and 985.05, F.S.; conforming to the act provisions relating to protection of vulnerable adults and the central abuse hotline; repealing s. 415.1065, F.S., relating to management of records of the central abuse registry and tracking system; repealing s. 415.1075, F.S., relating to amendment of such records, and expunctions, appeals, and exemptions with respect thereto; repealing s. 415.1085, F.S., relating to photographs and medical examinations pursuant to investigations of abuse or neglect of an elderly person or disabled adult; repealing s. 415.109, F.S., relating to abrogation of privileged communication in cases involving suspected adult abuse, neglect, or exploitation; providing an appropriation; providing effective dates.

On motion by Senator McKay, **HB 1993** was returned to the House as requested.

**MOTION**

On motion by Senator McKay, the rules were waived and time of recess was extended until 7:30 p.m.

**SPECIAL ORDER CALENDAR, continued**

On motion by Senator King—

**SB 1692**—A bill to be entitled An act relating to the Florida State University College of Medicine; establishing a 4-year allopathic medical school within the Florida State University; providing legislative intent; providing purpose; providing for transition, organizational structure, and admissions process; providing for partner organizations for clinical instruction in a community-based medical education program; specifying targeted communities and hospitals; providing for development of a plan for graduate medical education in the state; providing for accreditation; providing curricula; providing for clinical rotation sites in local

communities; providing for training to meet the medical needs of the elderly; providing for training to address the medical needs of the state's rural and underserved populations; providing for increased participation of underrepresented groups and socially and economically disadvantaged youth; providing for technology-rich learning environments; providing for administration and faculty; providing for collaboration with other professionals for integration of modern health care delivery concepts; authorizing the Florida State University to negotiate and purchase certain liability insurance; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and an amendment was considered and adopted to conform **SB 1692** to **HB 1121**.

Pending further consideration of **SB 1692** as amended, on motion by Senator King, by two-thirds vote **HB 1121** was withdrawn from the Committees on Health, Aging and Long-Term Care; Education and Fiscal Policy.

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

**HB 1121**—A bill to be entitled An act relating to the Florida State University College of Medicine; establishing a 4-year allopathic medical school within the Florida State University; providing legislative intent; providing purpose; providing for transition, organizational structure, and admissions process; providing for partner organizations for clinical instruction in a community-based medical education program; specifying targeted communities and hospitals; providing for development of a plan for graduate medical education in the state; providing for accreditation; providing curricula; providing for clinical rotation sites in local communities; providing for training to meet the medical needs of the elderly; providing for training to address the medical needs of the state's rural and underserved populations; providing for increased participation of underrepresented groups and socially and economically disadvantaged youth; providing for technology-rich learning environments; providing for administration and faculty; providing for collaboration with other professionals for integration of modern health care delivery concepts; authorizing the Florida State University to negotiate and purchase certain liability insurance; specifying that the act be implemented as funded; providing an effective date.

—a companion measure, was substituted for **SB 1692** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1121** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, the Senate resumed consideration of—

**CS for SB 238**—A bill to be entitled An act relating to revenue for school construction; amending s. 125.01, F.S.; limiting the ability of counties to levy school impact fees; providing for the distribution to school boards of certain funds appropriated in the General Appropriations Act; providing for uses of appropriated funds; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Brown-Waite was withdrawn.

Pending further consideration of **SB 238**, on motion by Senator Horne, by two-thirds vote **HB 2179** was withdrawn from the Committee on Fiscal Resource.

On motion by Senator Horne—

**HB 2179**—A bill to be entitled An act relating to school district revenue; amending s. 125.01, F.S.; limiting the ability of counties to levy school impact fees; providing for the distribution to school boards of certain funds appropriated in the General Appropriations Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 238** and read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

**Amendment 1 (710194)(with title amendment)**—On page 1, between lines 28 and 29, insert:

Section 3. Section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(1) Upon the final adoption of the budgets as provided in this chapter, the budgets so adopted shall regulate the expenditures of the county and each special district included within the county budget, and the itemized estimates of expenditures shall have the effect of fixed appropriations and shall not be amended, altered, or exceeded except as provided in this chapter.

(a) The modified-accrual basis or accrual basis of accounting must be followed for all funds in accordance with generally accepted accounting principles.

(b) The cost of the investments provided in this chapter, or the receipts from their sale or redemption, must not be treated as expense or income, but the investments on hand at the beginning or end of each fiscal year must be carried as separate items at cost in the fund balances; however, the amounts of profit or loss received on their sale must be treated as income or expense, as the case may be.

(2) The board at any time within a fiscal year may amend a budget for that year, *and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year*, as follows:

(a) Appropriations for expenditures in any fund may be decreased and other appropriations in the same fund correspondingly increased by motion recorded in the minutes, provided that the total of the appropriations of the fund may not be changed. The board of county commissioners, however, may establish procedures by which the designated budget officer may authorize certain intradepartmental budget amendments, provided that the total appropriation of the department may not be changed.

(b) Appropriations from the reserve for contingencies may be made to increase the appropriation for any particular expense in the same fund, or to create an appropriation in the fund for any lawful purpose, but expenditures may not be charged directly to the reserve for contingencies.

(c) The reserve for future construction and improvements may be appropriated by resolution of the board for the purposes for which the reserve was made.

(d) A receipt of a nature from a source not anticipated in the budget and received for a particular purpose, including but not limited to grants, donations, gifts, or reimbursement for damages, may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. Such receipts and appropriations must be added to the budget of the proper fund. The resolution may amend the budget to transfer revenue between funds to properly account for unanticipated revenue.

(e) Increased receipts for enterprise or proprietary funds received for a particular purpose may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. The resolution may amend the budget to transfer revenue between funds to properly account for increased receipts.

(f) If an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), unless otherwise prohibited by law, the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing. The public hearing must be advertised at least 2 days, but not more than 5 days, before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each budget.

(3) Only the following transfers may be made between funds:

(a) Transfers to correct errors in handling receipts and disbursements.

(b) Budgeted transfers.

(c) Transfers to properly account for unanticipated revenue or increased receipts.

(4) All unexpended balances of appropriations at the end of the fiscal year shall revert to the fund from which the appropriation was made, but reserves for sinking funds and for future construction and improvements may not be diverted to other purposes.

(5) Any county constitutional officer whose budget is approved by the board of county commissioners, who has not been reelected to office or is not seeking reelection, shall be prohibited from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation, following the date he or she is eliminated as a candidate or October 1, whichever comes later, without approval of the board of county commissioners.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 129.06, F.S.; providing a procedure by which counties may amend a prior year's budget;

Senator Horne moved the following amendment:

**Amendment 2 (571512)(with title amendment)**—On page 1, lines 15-22, delete those lines and insert:

*(8)(a) Counties are prohibited from levying any impact fee for school purposes in an amount in excess of 37.5 percent of any school impact fee which that county adopted by county ordinance prior to May 1, 1999. If in any year the Legislature appropriates an amount less than 62.5 percent of the total impact-fee-for-school-purposes revenue collected in fiscal year 1999-2000, a county may increase the county levied portion to make up the difference.*

*(b) State funds appropriated in lieu of impact fees adopted by county ordinance prior to May 1, 1999 may be used for the same purposes as impact fees for school purposes levied by a county.*

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for uses of appropriated funds;

Senator Latvala moved the following amendment to **Amendment 2** which failed:

**Amendment 2A (922758)**—On page 1, lines 26-28, delete those lines and insert: *adopted by county ordinance prior to May 1, 1999, or by a county ordinance which was publicly noticed prior to April 23, 2000 for hearing. If in any year the Legislature appropriates an amount less than 62.5 percent of the total impact fee for school purposes revenue collected in 1999-2000, or with respect to ordinances noticed prior to April 23, 2000, for hearing, but adopted after May 1, 1999, the legislature appropriates an amount less than 62.5 percent of the total impact fee for school purposes revenue which would have been collected in 1999-2000 if such ordinance had been in effect, a county may increase the county levied portion to make up the difference.*

The question recurred on **Amendment 2** which was adopted.

Pursuant to Rule 4.19, **HB 2179** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

**CS for SB 1574**—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; revising terminology; clarifying time periods; revising criteria for renewal of a charter; requiring compliance with certain statutes; providing for exemption from ad valorem taxation; amending s. 228.0561, F.S.; changing the formula for charter school

facilities funding; revising requirements for reversions of property to a school board; authorizing pilot program grants for the construction of charter school facilities; establishing criteria; amending s. 196.29, F.S.; granting charter schools an exemption from ad valorem taxes; amending s. 236.0817, F.S.; providing for a developmental research school that is issued a charter to be eligible for categorical funding; amending s. 228.053, F.S.; exempting a chartered developmental research school from the requirement that it be of closest geographic proximity to the college of education to which it is affiliated; providing for funding developmental research schools that are issued a charter; revising requirements for determining full-time-equivalent membership; providing for capital outlay funding for a chartered developmental research school; amending s. 228.505, F.S.; providing for governance of certain charter technical career centers; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1574** to **HB 2087**.

Pending further consideration of **CS for SB 1574** as amended, on motion by Senator Horne, by two-thirds vote **HB 2087** was withdrawn from the Committees on Education and Fiscal Policy.

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

**HB 2087**—A bill to be entitled An act relating to charter schools; creating s. 196.1983, F.S.; providing an exemption from ad valorem taxes for facilities used to house charter schools; amending s. 196.29, F.S.; providing for the cancellation of certain taxes on real property acquired by a charter school governing board; amending s. 228.056, F.S.; revising who is authorized to submit an application to convert an existing public school to a charter school; prohibiting unlawful reprisals against district school board employees as a result of direct or indirect involvement in an application to establish a charter school; establishing procedures for reviewing and deciding alleged unlawful reprisals; revising the date by which charter school applications must be submitted to the district school board; providing an appeal process for failure of a district school board to act on a charter school application; requiring district school boards to provide certain information relating to charter schools to the Department of Education; clarifying the timeframe for charter school approval or denial; requiring the award of reasonable attorney fees and costs incurred to the prevailing party in a charter school dispute; exempting conversion charter schools from being counted toward the number of charter schools in the district for purposes of a limit; authorizing district school boards or charter school applicants to request an increase of the limit on the number of charter schools in the district; providing student eligibility requirements for charter schools established by developmental research schools; authorizing enrollment preference to be given to the child of a member of the governing board of a charter school; authorizing a developmental research school to which a charter has been issued to charge a student activity and service fee; requiring a charter school to comply with certain cost accounting and reporting requirements; establishing the term of a charter issued to a developmental research school; providing an exception to a requirement for alternative arrangements for teachers who choose not to teach in a developmental research school to which a charter has been issued; clarifying that a charter may not be renewed if grounds for nonrenewal have been documented; revising eligibility requirements for a 15-year charter renewal; requiring the recommendation of the charter school governing board for modification of a charter; specifying that reversion of ownership of charter school property is subject to satisfaction of any lawful liens or encumbrances; revising exemptions from statutes to specify certain statutes that charter schools must comply with; deleting the requirement that members of the governing board of a charter school be fingerprinted prior to approval of the charter; providing notice of a tax exemption; requiring facilities used as charter schools to be in compliance with certain safety requirements; clarifying and conforming terminology; requiring the Legislature to review the operation of charter schools during the 2005 Regular Session of the Legislature; amending s. 228.0561, F.S.; revising the calculation for the funding allocation for charter school capital outlay; providing requirements for the distribution of such funds; deleting provisions relating to the sharing of funds for capital outlay purposes; providing for the reversion of property and funds of a developmental research charter school upon nonrenewal or termination; specifying that the reversion of charter school property is subject to the satisfaction of all lawful liens or encumbrances; creating

s. 228.0581, F.S.; establishing a statewide conversion charter school pilot program; providing intent and purpose; providing for application for participation in the pilot program by school principals, parents, teachers, or school advisory council members; prohibiting unlawful reprisals as a result of applying to participate in the pilot program; providing procedures for reviewing and deciding alleged unlawful reprisals; providing requirements for district school boards; establishing a program selection panel and providing membership and duties; authorizing grants to participating districts and reductions in funding for violations of requirements; requiring annual progress reports; amending s. 236.0817, F.S.; clarifying eligibility for categorical funding for developmental research schools to which a charter has been issued; amending s. 236.053, F.S.; providing requirements relating to charters issued to developmental research schools; clarifying provisions relating to funding; deleting obsolete language; providing additional funds for developmental research schools to which a charter has been issued; amending s. 228.505, F.S.; establishing provisions relating to the governance of a charter technical career center; providing an effective date.

—a companion measure, was substituted for **CS for SB 1574** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 2087** was placed on the calendar of Bills on Third Reading.

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Consideration of **SB 1592** was deferred.

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On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 591** was withdrawn from the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

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

**CS for CS for HB 591**—A bill to be entitled An act relating to health care services; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 400.606, F.S.; conforming to the act provisions relating to certificate-of-need requirements for hospice licensure; amending s. 408.032, F.S.; revising definitions; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensing of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemption for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; providing an additional exemption for construction of certain skilled nursing facilities; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing “department” with “agency”; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for nonresidents; requiring a facility to report such use after the expiration of the extension; creating the Public Cord Blood Tissue Bank as a statewide consortium; providing purposes, membership, and duties of the consortium; providing duties of the Agency for Health Care Administration and the Department of Health; providing an exception from provisions of the act; requiring specified written disclosure by certain health care facilities and providers; specifying that donation under the act is voluntary; authorizing the

consortium to charge fees; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; reducing allocation of positions and funds; providing effective dates.

—a companion measure, was substituted for **CS for SB 420** and by two-thirds vote read the second time by title.

Senator Latvala moved the following amendment:

**Amendment 1 (850612)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 400.408, Florida Statutes, are amended to read:

400.408 Unlicensed facilities; referral of person for residency to unlicensed facility; penalties; verification of licensure status.—

(1)(a) It is unlawful to own, operate, or maintain an assisted living facility without obtaining a license under this part.

(b) Except as provided under paragraph (d), any person who owns, operates, or maintains an unlicensed assisted living facility commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(c) Any person found guilty of violating paragraph (a) a second or subsequent time commits a felony of the second degree, punishable as provided under s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(d) Any person who owns, operates, or maintains an unlicensed assisted living facility due to a change in this part or a modification in department rule within 6 months after the effective date of such change and who, within 10 working days after receiving notification from the agency, fails to cease operation or apply for a license under this part commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(e) Any facility that fails to cease operation after agency notification may be fined for each day of noncompliance pursuant to s. 400.419.

(f) When a licensee has an interest in more than one assisted living facility, and fails to license any one of these facilities, the agency may revoke the license, impose a moratorium, or impose a fine pursuant to s. 400.419, on any or all of the licensed facilities until such time as the unlicensed facility is licensed or ceases operation.

(g) If the agency determines that an owner is operating or maintaining an assisted living facility without obtaining a license and determines that a condition exists in the facility that poses a threat to the health, safety, or welfare of a resident of the facility, the owner is subject to the same actions and fines imposed against a licensed facility as specified in ss. 400.414 and 400.419.

(h) Any person aware of the operation of an unlicensed assisted living facility must report that facility to the agency. The agency shall provide to the department's elder information and referral providers a list, by county, of licensed assisted living facilities, to assist persons who are considering an assisted living facility placement in locating a licensed facility.

(i) *Each field office of the Agency for Health Care Administration shall establish a local coordinating workgroup which includes representatives of local law enforcement agencies, state attorneys, local fire authorities, the Department of Children and Family Services, the district long-term care ombudsman council, and the district human rights advocacy committee to assist in identifying the operation of unlicensed facilities and to develop and implement a plan to ensure effective enforcement of state laws relating to such facilities. The workgroup shall report its findings, actions, and recommendations semi-annually to the Director of Health Facility Regulation of the agency.*

(2) It is unlawful to knowingly refer a person for residency to an unlicensed assisted living facility; to an assisted living facility the license of which is under denial or has been suspended or revoked; or to an assisted living facility that has a moratorium on admissions. Any

person who violates this subsection commits a noncriminal violation, punishable by a fine not exceeding \$500 as provided in s. 775.083.

(a) Any health care practitioner, as defined in s. 455.501, which is aware of the operation of an unlicensed facility shall report that facility to the agency. Failure to report a facility that the practitioner knows or has reasonable cause to suspect is unlicensed shall be reported to the practitioner's licensing board.

(b) Any hospital or community mental health center licensed under chapter 395 or chapter 394 which knowingly discharges a patient or client to an unlicensed facility is subject to sanction by the agency.

(c)(a) Any employee of the agency or department, or the Department of Children and Family Services, who knowingly refers a person for residency to an unlicensed facility; to a facility the license of which is under denial or has been suspended or revoked; or to a facility that has a moratorium on admissions is subject to disciplinary action by the agency or department, or the Department of Children and Family Services.

(d)(b) The employer of any person who is under contract with the agency or department, or the Department of Children and Family Services, and who knowingly refers a person for residency to an unlicensed facility; to a facility the license of which is under denial or has been suspended or revoked; or to a facility that has a moratorium on admissions shall be fined and required to prepare a corrective action plan designed to prevent such referrals.

(e)(e) The agency shall provide the department and the Department of Children and Family Services with a list of licensed facilities within each county and shall update the list at least quarterly.

(f)(d) At least annually, the agency shall notify, in appropriate trade publications, physicians licensed under chapter 458 or chapter 459, hospitals licensed under chapter 395, nursing home facilities licensed under part II of this chapter, and employees of the agency or the department, or the Department of Children and Family Services, who are responsible for referring persons for residency, that it is unlawful to knowingly refer a person for residency to an unlicensed assisted living facility and shall notify them of the penalty for violating such prohibition. The department and the Department of Children and Family Services shall, in turn, notify service providers under contract to the respective departments who have responsibility for resident referrals to facilities. Further, the notice must direct each noticed facility and individual to contact the appropriate agency office in order to verify the licensure status of any facility prior to referring any person for residency. Each notice must include the name, telephone number, and mailing address of the appropriate office to contact.

Section 2. Subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, paramedic, emergency medical technician, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. An employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments under s. 509.032;

7. Human rights advocacy committee or long-term care ombudsman council member; or

8. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

(b) To the extent possible, a report made pursuant to paragraph (a) must contain, but need not be limited to, the following information:

1. Name, age, race, sex, physical description, and location of each disabled adult or an elderly person alleged to have been abused, neglected, or exploited.

2. Names, addresses, and telephone numbers of the disabled adult's or elderly person's family members.

3. Name, address, and telephone number of each alleged perpetrator.

4. Name, address, and telephone number of the caregiver of the disabled adult or elderly person, if different from the alleged perpetrator.

5. Name, address, and telephone number of the person reporting the alleged abuse, neglect, or exploitation.

6. Description of the physical or psychological injuries sustained.

7. Actions taken by the reporter, if any, such as notification of the criminal justice agency.

8. Any other information available to the reporting person which may establish the cause of abuse, neglect, or exploitation that occurred or is occurring.

Section 3. Subsections (2) and (11) of section 400.471, Florida Statutes, are amended to read:

400.471 Application for license; fee; provisional license; temporary permit.—

(2) The applicant must file with the application satisfactory proof that the home health agency is in compliance with this part and applicable rules, including:

(a) A listing of services to be provided, either directly by the applicant or through contractual arrangements with existing providers;

(b) The number and discipline of professional staff to be employed; and

(c) Proof of financial ability to operate.

~~If the applicant has applied for a certificate of need under ss. 408.0331-408.045 within the preceding 12 months, the applicant may submit the proof required during the certificate of need process along with an attestation that there has been no substantial change in the facts and circumstances underlying the original submission.~~

(11) The agency may not issue a license designated as certified to a home health agency that fails to receive a certificate of need under ss. 408.031-408.045 or that fails to satisfy the requirements of a Medicare certification survey from the agency.

Section 4. Section 408.032, Florida Statutes, is amended to read:

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

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

(2) "Capital expenditure" means an expenditure, including an expenditure for a construction project undertaken by a health care facility as its own contractor, which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, which is made to change the bed capacity of the facility, or sub-

stantially change the services or service area of the health care facility, health service provider, or hospice, and which includes the cost of the studies, surveys, designs, plans, working drawings, specifications, initial financing costs, and other activities essential to acquisition, improvement, expansion, or replacement of the plant and equipment.

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

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

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

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

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

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

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

District 5.—Pasco and Pinellas Counties.

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

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

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

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

District 10.—Broward County.

District 11.—Dade and Monroe Counties.

(6) "Exemption" means the process by which a proposal that would otherwise require a certificate of need may proceed without a certificate of need.

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

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

(9)(8) "Health services" means diagnostic, curative, or rehabilitative services and includes ~~alcohol treatment, drug abuse treatment, and mental health services. Obstetric services are not health services for purposes of ss. 408.031-408.045.~~

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

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

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

(12) "Institutional health service" means a health service which is provided by or through a health care facility and which entails an annual

operating cost of \$500,000 or more. The agency shall, by rule, adjust the annual operating cost threshold annually using an appropriate inflation index.

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

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

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

(14) "Mental health services" means inpatient services provided in a hospital licensed under chapter 395 and listed on the hospital license as psychiatric beds for adults; psychiatric beds for children and adolescents; intensive residential treatment beds for children and adolescents; substance abuse beds for adults; or substance abuse beds for children and adolescents.

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

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

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

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

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

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

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

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

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

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

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

(17)(20) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost-effectiveness of such service. Examples of such service include, but are not limited to, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services

which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The agency shall establish by rule a list of all tertiary health services.

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

Section 5. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 408.033, Florida Statutes, are amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(b) Each local health council may:

1. Develop a district or regional area health plan that ~~permits is consistent with the objectives and strategies in the state health plan, but that shall permit~~ each local health council to develop strategies and set priorities for implementation based on its unique local health needs. The district or regional area health plan must contain preferences for the development of health services and facilities, which may be considered by the agency in its review of certificate-of-need applications. The district health plan shall be submitted to the agency and updated periodically. The district health plans shall use a uniform format and be submitted to the agency according to a schedule developed by the agency in conjunction with the local health councils. The schedule must provide for ~~coordination between the development of the state health plan and the district health plans and for~~ the development of district health plans by major sections over a multiyear period. The elements of a district plan which are necessary to the review of certificate-of-need applications for proposed projects within the district may be adopted by the agency as a part of its rules.

2. Advise the agency on health care issues and resource allocations.

3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.

4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.

5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.

6. Advise and assist any regional planning councils within each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.

7. Advise and assist local governments within each district on the development of an optional health plan element of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:

a. A copy and appropriate updates of the district health plan;

b. A report of hospital and nursing home utilization statistics for facilities within the local government jurisdiction; and

c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.

8. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.

9. In conjunction with the Agency for Health Care Administration, plan for services at the local level for persons infected with the human immunodeficiency virus.

10. Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals, objectives, and policies adopted by the local health council.

11. Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health services and facilities in the district.

(3) DUTIES AND RESPONSIBILITIES OF THE AGENCY.—

(a) The agency, in conjunction with the local health councils, is responsible for the *coordinated* planning of all health care services in the state ~~and for the preparation of the state health plan.~~

Section 6. Subsection (2) of section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.—

(2) In the exercise of its authority to issue licenses to health care facilities and health service providers, as provided under chapters 393, 395, and parts II, IV, and VI of chapter 400, the agency may not issue a license to any health care facility, health service provider, hospice, or part of a health care facility which fails to receive a certificate of need *or an exemption* for the licensed facility or service.

Section 7. Section 408.035, Florida Statutes, is amended to read:

408.035 Review criteria.—

(4) The agency shall determine the reviewability of applications and shall review applications for certificate-of-need determinations for health care facilities and health services in context with the following criteria:

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

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

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

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

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

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

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

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

ability of alternative uses of such resources for the provision of other health services; and

(7) The extent to which the proposed services will *enhance access to health care for be accessible to all* residents of the service district.

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

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

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

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

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

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

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

(12)(p) The applicant's designation as a Gold Seal Program nursing facility pursuant to s. 400.235, when the applicant is requesting additional nursing home beds at that facility.

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

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

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

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

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

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

Section 8. Section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review.—

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

whether a health-care-related project is subject to review under ss. 408.031-408.045.

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

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

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

(d) ~~An Any increase in the total licensed bed capacity of a health care facility.~~

(e) ~~Subject to the provisions of paragraph (3)(i), The establishment of a Medicare-certified home health agency, the establishment of a hospice or hospice inpatient facility, except as provided in s. 408.043 or the direct provision of such services by a health care facility or health maintenance organization for those other than the subscribers of the health maintenance organization; except that this paragraph does not apply to the establishment of a Medicare-certified home health agency by a facility described in paragraph (3)(h).~~

(f) ~~An acquisition by or on behalf of a health care facility or health maintenance organization, by any means, which acquisition would have required review if the acquisition had been by purchase.~~

(f)(g) The establishment of inpatient institutional health services by a health care facility, or a substantial change in such services.

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

(i) ~~An increase in the cost of a project for which a certificate of need has been issued when the increase in cost exceeds 20 percent of the originally approved cost of the project, except that a cost overrun review is not necessary when the cost overrun is less than \$20,000.~~

(g)(j) ~~An increase in the number of beds for acute care, nursing home care beds, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, mental health services, or hospital-based distinct part skilled nursing units, or at a long-term care hospital psychiatric or rehabilitation beds.~~

(h)(k) The establishment of tertiary health services.

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

(a) ~~Cost overruns, as defined in paragraph (1)(i).~~

(a)(b) Research, education, and training programs.

(b)(c) Shared services contracts or projects.

(c)(d) A transfer of a certificate of need.

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

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

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

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

~~(f)~~ *The conversion of mental health services beds licensed under chapter 395 or hospital-based distinct part skilled nursing unit beds to general acute care beds; the conversion of mental health services beds between or among the licensed bed categories defined as beds for mental health services; or the conversion of general acute care beds to beds for mental health services.*

1. Conversion under this paragraph shall not establish a new licensed bed category at the hospital but shall apply only to categories of beds licensed at that hospital.

2. Beds converted under this paragraph must be licensed and operational for at least 12 months before the hospital may apply for additional conversion affecting beds of the same type.

The agency shall develop rules to implement the provisions for expedited review, including time schedule, application content *which may be reduced from the full requirements of s. 408.037(1)*, and application processing.

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

~~(a)~~—For the initiation or expansion of obstetric services.

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

~~(c)~~—For providing respite care services. An individual may be admitted to a respite care program in a hospital without regard to inpatient requirements relating to admitting order and attendance of a member of a medical staff.

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

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

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

~~(e)(g)~~ For an increase in the bed capacity of a nursing facility licensed for at least 50 beds as of January 1, 1994, under part II of chapter 400 which is not part of a continuing care facility if, after the increase, the total licensed bed capacity of that facility is not more than 60 beds and

if the facility has been continuously licensed since 1950 and has received a superior rating on each of its two most recent licensure surveys.

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

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

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

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

~~(g)(h)~~ For the termination of an inpatient a health care service.

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

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

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

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

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

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

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

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

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

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

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

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

3.a. The exemption provided by this paragraph shall not apply unless the agency determines that the program is in compliance with the

requirements of subparagraph 1. and that the program will, after beginning operation, continuously comply with the rules adopted pursuant to subparagraph 2. The agency shall monitor such programs to ensure compliance with the requirements of subparagraph 2.

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

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

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

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

~~(j)(6)~~ For any expenditure to provide mobile surgical facilities and related health care services provided under contract with the Department of Corrections or a private correctional facility operating pursuant to chapter 957.

~~(k)(p)~~ For state veterans' nursing homes operated by or on behalf of the Florida Department of Veterans' Affairs in accordance with part II of chapter 296 for which at least 50 percent of the construction cost is federally funded and for which the Federal Government pays a per diem rate not to exceed one-half of the cost of the veterans' care in such state nursing homes. These beds shall not be included in the nursing home bed inventory.

*(l) For combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict. An exemption granted under this paragraph shall extend the validity period of the certificates of need to be consolidated by the length of the period beginning upon submission of the exemption request and ending with issuance of the exemption. The longest validity period among the certificates shall be applicable to each of the combined certificates.*

*(m) For division into two or more nursing home facilities of beds or services authorized by one certificate of need issued in the same planning subdistrict. An exemption granted under this paragraph shall extend the validity period of the certificate of need to be divided by the length of the period beginning upon submission of the exemption request and ending with issuance of the exemption.*

*(n) For the addition of hospital beds licensed under chapter 395 for acute care, mental health services, or a hospital-based distinct part skilled nursing unit in a number that may not exceed 10 total beds or 10 percent of the licensed capacity of the bed category being expanded, whichever is greater. Beds for specialty burn units, neonatal intensive care units, or comprehensive rehabilitation, or at a long-term care hospital, may not be increased under this paragraph.*

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

a. Certify that the prior 12-month average occupancy rate for the category of licensed beds being expanded at the facility meets or exceeds 80 percent or, for a hospital-based distinct part skilled nursing unit, the prior 12-month average occupancy rate meets or exceeds 96 percent.

b. Certify that any beds of the same type authorized for the facility under this paragraph before the date of the current request for an exemption have been licensed and operational for at least 12 months.

2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.

3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of hospital beds until the beds are licensed.

*(o) For the addition of acute care beds, as authorized by rule consistent with s. 395.003(4), in a number that may not exceed 10 total beds or 10 percent of licensed bed capacity, whichever is greater, for temporary beds in a hospital that has experienced high seasonal occupancy within the prior 12-month period or in a hospital that must respond to emergency or exigent circumstances.*

*(p) For the addition of nursing home beds licensed under chapter 400 in a number not exceeding 10 total beds or 10 percent of the number of beds licensed in the facility being expanded, whichever is greater.*

1. In addition to any other documentation required by the agency, a request for exemption submitted under this paragraph must:

a. Effective until June 30, 2001, certify that the facility has not had any class I or class II deficiencies within the 30 months preceding the request for addition.

b. Effective on July 1, 2001, certify that the facility has been designated as a Gold Seal nursing home under s. 400.235.

c. Certify that the prior 12-month average occupancy rate for the nursing home beds at the facility meets or exceeds 96 percent.

d. Certify that any beds authorized for the facility under this paragraph before the date of the current request for an exemption have been licensed and operational for at least 12 months.

2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.

3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of nursing home beds until the beds are licensed.

(4) A request for exemption under this subsection (3) may be made at any time and is not subject to the batching requirements of this section. The request shall be supported by such documentation as the agency requires by rule. The agency shall assess a fee of \$250 for each request for exemption submitted under subsection (3).

Section 9. Paragraph (a) of subsection (1) of section 408.037, Florida Statutes, is amended to read:

408.037 Application content.—

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

(a) A detailed description of the proposed project and statement of its purpose and need in relation to the local health plan and the state health plan.

Section 10. Section 408.038, Florida Statutes, is amended to read:

408.038 Fees.—The agency department shall assess fees on certificate-of-need applications. Such fees shall be for the purpose of funding the functions of the local health councils and the activities of the agency department and shall be allocated as provided in s. 408.033. The fee shall be determined as follows:

(1) A minimum base fee of \$5,000.

(2) In addition to the base fee of \$5,000, 0.015 of each dollar of proposed expenditure, except that a fee may not exceed \$22,000.

Section 11. Subsections (3) and (4) and paragraphs (a) and (b) of subsection (6) of section 408.039, Florida Statutes, are amended to read:

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

(3) APPLICATION PROCESSING.—

(a) An applicant shall file an application with the agency department, and shall furnish a copy of the application to the local health council and the agency department. Within 15 days after the applicable

application filing deadline established by *agency department* rule, the staff of the *agency department* shall determine if the application is complete. If the application is incomplete, the staff shall request specific information from the applicant necessary for the application to be complete; however, the staff may make only one such request. If the requested information is not filed with the *agency department* within 21 days of the receipt of the staff's request, the application shall be deemed incomplete and deemed withdrawn from consideration.

(b) Upon the request of any applicant or substantially affected person within 14 days after notice that an application has been filed, a public hearing may be held at the *agency's department's* discretion if the *agency department* determines that a proposed project involves issues of great local public interest. The public hearing shall allow applicants and other interested parties reasonable time to present their positions and to present rebuttal information. A recorded verbatim record of the hearing shall be maintained. The public hearing shall be held at the local level within 21 days after the application is deemed complete.

#### (4) STAFF RECOMMENDATIONS.—

(a) The *agency's department's* review of and final agency action on applications shall be in accordance with the district *health* plan, and statutory criteria, and the implementing administrative rules. In the application review process, the *agency department* shall give a preference, as defined by rule of the *agency department*, to an applicant which proposes to develop a nursing home in a nursing home geographically underserved area.

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

(c) The *agency department* shall publish its proposed decision set forth in the Notice of Intent in the Florida Administrative Weekly within 14 days after the Notice of Intent is issued.

(d) If no administrative hearing is requested pursuant to subsection (5), the State Agency Action Report and the Notice of Intent shall become the final order of the *agency department*. The *agency department* shall provide a copy of the final order to the appropriate local health council.

#### (6) JUDICIAL REVIEW.—

(a) A party to an administrative hearing for an application for a certificate of need has the right, within not more than 30 days after the date of the final order, to seek judicial review in the District Court of Appeal pursuant to s. 120.68. The *agency department* shall be a party in any such proceeding.

(b) In such judicial review, the court shall affirm the final order of the *agency department*, unless the decision is arbitrary, capricious, or not in compliance with ss. 408.031-408.045.

Section 12. Subsections (1) and (2) of section 408.040, Florida Statutes, are amended to read:

#### 408.040 Conditions and monitoring.—

(1)(a) The agency may issue a certificate of need predicated upon statements of intent expressed by an applicant in the application for a certificate of need. *Any conditions imposed on a certificate of need based on such statements of intent shall be stated on the face of the certificate of need.*

1.—*Any certificate of need issued for construction of a new hospital or for the addition of beds to an existing hospital shall include a statement*

*of the number of beds approved by category of service, including rehabilitation or psychiatric service, for which the agency has adopted by rule a specialty-bed-need methodology. All beds that are approved, but are not covered by any specialty-bed-need methodology, shall be designated as general.*

(b)2. The agency may consider, in addition to the other criteria specified in s. 408.035, a statement of intent by the applicant *that a specified to designate a percentage of the annual patient days at beds of the facility will be utilized for use by patients eligible for care under Title XIX of the Social Security Act. Any certificate of need issued to a nursing home in reliance upon an applicant's statements that to provide a specified percentage number of annual patient days will be utilized beds for use by residents eligible for care under Title XIX of the Social Security Act must include a statement that such certification is a condition of issuance of the certificate of need. The certificate-of-need program shall notify the Medicaid program office and the Department of Elderly Affairs when it imposes conditions as authorized in this paragraph sub-paragraph in an area in which a community diversion pilot project is implemented.*

(c)(b) A certificateholder may apply to the agency for a modification of conditions imposed under paragraph (a) *or paragraph (b).* If the holder of a certificate of need demonstrates good cause why the certificate should be modified, the agency shall reissue the certificate of need with such modifications as may be appropriate. The agency shall by rule define the factors constituting good cause for modification.

(d)(e) If the holder of a certificate of need fails to comply with a condition upon which the issuance of the certificate was predicated, the agency may assess an administrative fine against the certificateholder in an amount not to exceed \$1,000 per failure per day. In assessing the penalty, the agency shall take into account as mitigation the relative lack of severity of a particular failure. Proceeds of such penalties shall be deposited in the Public Medical Assistance Trust Fund.

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

(b) A certificate of need issued to an applicant holding a provisional certificate of authority under chapter 651 shall terminate 1 year after the applicant receives a valid certificate of authority from the Department of Insurance.

(c) The certificate-of-need validity period for a project shall be extended by the agency, to the extent that the applicant demonstrates to the satisfaction of the agency that *good-faith good-faith* commencement of the project is being delayed by litigation or by governmental action or inaction with respect to regulations or permitting precluding commencement of the project.

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

Section 13. Section 408.044, Florida Statutes, is amended to read:

408.044 Injunction.—Notwithstanding the existence or pursuit of any other remedy, the *agency department* may maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the pursuit of a project subject to review under ss. 408.031-408.045, in the absence of a valid certificate of need.

Section 14. Section 408.045, Florida Statutes, is amended to read:

408.045 Certificate of need; competitive sealed proposals.—

(1) The application, review, and issuance procedures for a certificate of need for an intermediate care facility for the developmentally disabled may be made by the ~~agency department~~ by competitive sealed proposals.

(2) The ~~agency department~~ shall make a decision regarding the issuance of the certificate of need in accordance with the provisions of s. 287.057(15), rules adopted by the ~~agency department~~ relating to intermediate care facilities for the developmentally disabled, and the criteria in s. 408.035, as further defined by rule.

(3) Notification of the decision shall be issued to all applicants not later than 28 calendar days after the date responses to a request for proposal are due.

(4) The procedures provided for under this section are exempt from the batching cycle requirements and the public hearing requirement of s. 408.039.

(5) The ~~agency department~~ may use the competitive sealed proposal procedure for determining a certificate of need for other types of health care facilities and services if the ~~agency department~~ identifies an unmet health care need and when funding in whole or in part for such health care facilities or services is authorized by the Legislature.

Section 15. *(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.*

*(b) Workgroup participants shall be responsible for only the expenses that they generate individually through workgroup participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.*

*(2) The workgroup shall consist of 30 members, 10 appointed by the Governor, 10 appointed by the President of the Senate, and 10 appointed by the Speaker of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private-sector consultant.*

*(3) Appointment to the workgroup shall be as follows:*

*(a) The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long-term-care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.*

*(b) The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term-care community diversion program, and a health care market consultant with expertise in health care economics.*

*(c) The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, and one representative of a consumer organization.*

*(4) The workgroup shall study issues pertaining to the certificate-of-need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate-of-need program.*

*(5) The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit an interim report by December 31, 2001, and a final report by December 31, 2002. The workgroup is abolished effective July 1, 2003.*

Section 16. Subsection (7) of section 651.118, Florida Statutes, is amended to read:

651.118 Agency for Health Care Administration; certificates of need; sheltered beds; community beds.—

(7) Notwithstanding the provisions of subsection (2), at the discretion of the continuing care provider, sheltered nursing home beds may be used for persons who are not residents of the facility and who are not parties to a continuing care contract for a period of up to 5 years after the date of issuance of the initial nursing home license. A provider whose 5-year period has expired or is expiring may request the Agency for Health Care Administration for an extension, not to exceed 30 percent of the total sheltered nursing home beds, if the utilization by residents of the facility in the sheltered beds will not generate sufficient income to cover facility expenses, as evidenced by one of the following:

(a) The facility has a net loss for the most recent fiscal year as determined under generally accepted accounting principles, excluding the effects of extraordinary or unusual items, as demonstrated in the most recently audited financial statement; or

(b) The facility would have had a pro forma loss for the most recent fiscal year, excluding the effects of extraordinary or unusual items, if revenues were reduced by the amount of revenues from persons in sheltered beds who were not residents, as reported on by a certified public accountant.

The agency shall be authorized to grant an extension to the provider based on the evidence required in this subsection. The agency may request a facility to use up to 25 percent of the patient days generated by new admissions of nonresidents during the extension period to serve Medicaid recipients for those beds authorized for extended use if there is a demonstrated need in the respective service area and if funds are available. A provider who obtains an extension is prohibited from applying for additional sheltered beds under the provision of subsection (2), unless additional residential units are built or the provider can demonstrate need by facility residents to the Agency for Health Care Administration. *The 5-year limit does not apply to up to five sheltered beds designated for inpatient hospice care as part of a contractual arrangement with a hospice licensed under part VI of chapter 400. A facility that uses such beds after the 5-year period shall report such use to the Agency for Health Care Administration.* For purposes of this subsection, "resident" means a person who, upon admission to the facility, initially resides in a part of the facility not licensed under part II of chapter 400.

Section 17. *Subsection (3) of section 400.464, Florida Statutes, is repealed.*

Section 18. *Applications for certificates of need submitted under section 408.031-408.045, Florida Statutes, before the effective date of this act shall be governed by the law in effect at the time the application was submitted.*

Section 19. *Pursuant to section 187 of chapter 99-397, Laws of Florida, the Agency for Health Care Administration was directed to conduct a detailed study and analysis of clinical laboratory services for kidney dialysis patients in the State of Florida and to report back to the Legislature no later than February 1, 2000. The agency reported that additional time and investigative resources were necessary to adequately respond to the legislative directives. Therefore, the sum of \$230,000 from the Agency for Health Care Administration Tobacco Settlement Trust Fund is appropriated to the Agency for Health Care Administration to contract with the University of South Florida to conduct a review of laboratory test utilization, any self-referral to clinical laboratories, financial arrangements among kidney dialysis centers, their medical directors, referring physicians, and any business relationships and affiliations with clinical laboratories, and the quality and effectiveness of kidney dialysis treatment in this state. A report on the findings from such review shall be presented to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature no later than February 1, 2001.*

Section 20. Subsections (1) and (3) of section 455.564, Florida Statutes, are amended to read:

455.564 Department; general licensing provisions.—

(1)(a) Any person desiring to be licensed in a profession within the jurisdiction of the department shall apply to the department in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the department. *The application form must be available on the World Wide Web and the department may accept electronically submitted applications beginning July 1, 2001. The application and shall require the social security number of the applicant, except as provided in paragraph (b).* The form shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. *If an application is submitted electronically, the department may require supplemental materials, including an original signature of the applicant and verification of credentials, to be submitted in a non-electronic format.* An incomplete application shall expire 1 year after initial filing. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.

(b) *If an applicant has not been issued a social security number by the Federal Government at the time of application because the applicant is not a citizen or resident of this country, the department may process the application using a unique personal identification number. If such an applicant is otherwise eligible for licensure, the board, or the department when there is no board, may issue a temporary license to the applicant, which shall expire 30 days after issuance unless a social security number is obtained and submitted in writing to the department. Upon receipt of the applicant's social security number, the department shall issue a new license, which shall expire at the end of the current biennium.*

(3)(a) The board, or the department when there is no board, may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this part or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete, and the time period in which the licensure application must be granted or denied shall be tolled until 15 days after the receipt of the final results of the investigation or prosecution.

(b) *If an applicant has been convicted of a felony related to the practice or ability to practice any health care profession, the board, or the department when there is no board, may require the applicant to prove that his or her civil rights have been restored.*

(c) *In considering applications for licensure, the board, or the department when there is no board, may require a personal appearance of the applicant. If the applicant is required to appear, the time period in which a licensure application must be granted or denied shall be tolled until such time as the applicant appears. However, if the applicant fails to appear before the board at either of the next two regularly scheduled board meetings, or fails to appear before the department within 30 days if there is no board, the application for licensure shall be denied.*

Section 21. Paragraph (d) is added to subsection (4) of section 455.565, Florida Statutes, to read:

455.565 Designated health care professionals; information required for licensure.—

(4)

(d) *Any applicant for initial licensure or renewal of licensure as a health care practitioner who submits to the Department of Health a set of fingerprints or information required for the criminal history check required under this section shall not be required to provide a subsequent set of fingerprints or other duplicate information required for a criminal history check to the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services for employment or licensure with such agency or department if the applicant has undergone a criminal history check as a condition of initial licensure or licensure renewal as a health care practitioner with*

*the Department of Health or any of its regulatory boards, notwithstanding any other provision of law to the contrary. In lieu of such duplicate submission, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Children and Family Services shall obtain criminal history information for employment or licensure of health care practitioners by such agency and departments from the Department of Health's health care practitioner credentialing system.*

Section 22. Section 455.5651, Florida Statutes, is amended to read:

455.5651 Practitioner profile; creation.—

(1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to s. 455.565 into a practitioner profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under s. 455.565(4)(b).

(2) On the profile *published* required under subsection (1), the department shall indicate if the information provided under s. 455.565(1)(a)7. is not corroborated by a criminal history check conducted according to this subsection. If the information provided under s. 455.565(1)(a)7. is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. *The department shall include, with respect to practitioners subject to s. 455.694, a statement of how the practitioner has elected to comply with the financial responsibility requirements of that section.* The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, information relating to liability actions which has been reported under s. 455.697 or s. 627.912 within the previous 10 years for any paid claim that exceeds \$5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other practitioners ~~physicians~~ within the same specialty, *or profession if the practitioner is not a specialist*, to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the ~~practitioner physician~~ *practitioner*. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may not include disciplinary action taken by a licensed hospital or an ambulatory surgical center in the practitioner profile.

(6) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with the board having regulatory authority over the practitioner before such information is included in his or her profile.

(7) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the

profiles available to the public through the World Wide Web and other commonly used means of distribution.

(8) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under s. 120.57 may be sought.

Section 23. Section 455.5653, Florida Statutes, is amended to read:

455.5653 Practitioner profiles; data storage.—Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. ~~The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public.~~ The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119 and s. 24(a), Art. I of the State Constitution, so that the Department of Health may corroborate any information that ~~practitioners~~ physicians are required to report under s. 455.565.

Section 24. Section 455.5654, Florida Statutes, is amended to read:

455.5654 Practitioner profiles; rules; workshops.—Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, must hold public workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under s. 455.565.

Section 25. Subsection (1) of section 455.567, Florida Statutes, is amended to read:

455.567 Sexual misconduct; disqualification for license, certificate, or registration.—

(1) Sexual misconduct in the practice of a health care profession means violation of the professional relationship through which the health care practitioner uses such relationship to engage or attempt to engage the patient or client, or an immediate family member, *guardian*, or *representative* of the patient or client in, or to induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession. Sexual misconduct in the practice of a health care profession is prohibited.

Section 26. Paragraphs (f) and (u) of subsection (1), paragraph (c) of subsection (2), and subsection (3) of section 455.624, Florida Statutes, are amended, and paragraphs (y) and (z) are added to subsection (1) of said section, to read:

455.624 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(f) Having a license or the authority to practice *any* the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(u) Engaging or attempting to engage in sexual misconduct as defined and prohibited in s. 455.567(1) ~~a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity.~~

(y) *Being unable to practice with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession with reasonable skill and safety to patients.*

(z) *Testing positive for any drug, as defined in s. 112.0455, on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.*

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(c) Restriction of practice or license.

In determining what action is appropriate, the board, or department when there is no board, must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the practitioner. All costs associated with compliance with orders issued under this subsection are the obligation of the practitioner.

(3)(a) Notwithstanding subsection (2), if the ground for disciplinary action is the first-time failure of the licensee to satisfy continuing education requirements established by the board, or by the department if there is no board, the board or department, as applicable, shall issue a citation in accordance with s. 455.617 and assess a fine, as determined by the board or department by rule. In addition, for each hour of continuing education not completed or completed late, the board or department, as applicable, may require the licensee to take 1 additional hour of continuing education for each hour not completed or completed late.

(b) *Notwithstanding subsection (2), if the ground for disciplinary action is the first-time violation of a practice act for unprofessional conduct, as used in ss. 464.018(1)(h), 467.203(1)(f), 468.365(1)(f), and 478.52(1)(f), and no actual harm to the patient occurred, the board or department, as applicable, shall issue a citation in accordance with s. 455.617 and assess a penalty as determined by rule of the board or department.*

Section 27. For the purpose of incorporating the amendment to section 455.624, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

455.577 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department, whether such examination is reproduced or copied in part or in whole and by any means, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

455.631 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the act of knowingly giving false information in the course of applying for or obtaining a license from the department, or any board thereunder, with

intent to mislead a public servant in the performance of his or her official duties, or the act of attempting to obtain or obtaining a license from the department, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

455.651 Disclosure of confidential information.—

(2) Any person who willfully violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be subject to discipline pursuant to s. 455.624, and, if applicable, shall be removed from office, employment, or the contractual relationship.

455.712 Business establishments; requirements for active status licenses.—

(1) A business establishment regulated by the Division of Medical Quality Assurance pursuant to this part may provide regulated services only if the business establishment has an active status license. A business establishment that provides regulated services without an active status license is in violation of this section and s. 455.624, and the board, or the department if there is no board, may impose discipline on the business establishment.

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(g) The Board of Medicine may impose any of the penalties specified in ss. 455.624 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or part II of chapter 455.

459.022 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(f) The Board of Osteopathic Medicine may impose any of the penalties specified in ss. 455.624 and 459.015(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or part II of chapter 455.

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violation of any provision of s. 455.624(1) or s. 468.1745(1).

468.719 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary actions provided for in subsection (2):

(a) A violation of any law relating to the practice of athletic training, including, but not limited to, any violation of this part, s. 455.624, or any rule adopted pursuant thereto.

(2) When the board finds any person guilty of any of the acts set forth in subsection (1), the board may enter an order imposing one or more of the penalties provided in s. 455.624.

468.811 Disciplinary proceedings.—

(1) The following acts are grounds for disciplinary action against a licensee and the issuance of cease and desist orders or other related action by the department, pursuant to s. 455.624, against any person who engages in or aids in a violation.

(a) Attempting to procure a license by fraudulent misrepresentation.

(b) Having a license to practice orthotics, prosthetics, or pedorthics revoked, suspended, or otherwise acted against, including the denial of licensure in another jurisdiction.

(c) Being convicted or found guilty of or pleading nolo contendere to, regardless of adjudication, in any jurisdiction, a crime that directly re-

lates to the practice of orthotics, prosthetics, or pedorthics, including violations of federal laws or regulations regarding orthotics, prosthetics, or pedorthics.

(d) Filing a report or record that the licensee knows is false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only reports or records that are signed in a person's capacity as a licensee under this act.

(e) Advertising goods or services in a fraudulent, false, deceptive, or misleading manner.

(f) Violation of this act or part II of chapter 455, or any rules adopted thereunder.

(g) Violation of an order of the board, agency, or department previously entered in a disciplinary hearing or failure to comply with a subpoena issued by the board, agency, or department.

(h) Practicing with a revoked, suspended, or inactive license.

(i) Gross or repeated malpractice or the failure to deliver orthotic, prosthetic, or pedorthic services with that level of care and skill which is recognized by a reasonably prudent licensed practitioner with similar professional training as being acceptable under similar conditions and circumstances.

(j) Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient.

(2) The board may enter an order imposing one or more of the penalties in s. 455.624(2) against any person who violates any provision of subsection (1).

484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 455.637 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

(a) Violation of any provision of s. 455.624(1), s. 484.0512, or s. 484.053.

Section 28. *Section 455.704, Florida Statutes, is repealed.*

Section 29. Subsections (1), (2), and (3) of section 455.707, Florida Statutes, are amended to read:

455.707 Treatment programs for impaired practitioners.—

(1) For professions that do not have impaired practitioner programs provided for in their practice acts, the department shall, by rule, designate approved *impaired practitioner treatment* programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers ~~based on the policies and guidelines established by the Impaired Practitioners Committee~~. The rules ~~may~~ **must** specify the manner in which the consultant, *retained as set forth in subsection (2)*, works with the department in intervention, requirements for evaluating and treating a professional, and requirements for the continued care and monitoring of a professional by the consultant ~~by an approved at a department-approved treatment provider~~. ~~The department shall not compel any impaired practitioner program in existence on October 1, 1992, to serve additional professions.~~

(2) The department shall retain one or more impaired practitioner consultants ~~as recommended by the committee~~. A consultant shall be a licensee ~~or recovered licensee~~ under the jurisdiction of the Division of Medical Quality Assurance within the department, and at least one consultant must be a practitioner or recovered practitioner licensed under chapter 458, chapter 459, or chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired.

(3)(a) Whenever the department receives a written or oral legally sufficient complaint alleging that a licensee under the jurisdiction of the Division of Medical Quality Assurance within the department is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition which could affect the licensee's ability to practice with skill and safety, and no complaint against the licensee other than impairment exists, the reporting of such information shall not constitute grounds for discipline pursuant to s. 455.624 or the corresponding grounds for discipline within the applicable practice act ~~a complaint within the meaning of s. 455.624~~ if the probable cause panel of the appropriate board, or the department when there is no board, finds:

1. The licensee has acknowledged the impairment problem.
2. The licensee has voluntarily enrolled in an appropriate, approved treatment program.
3. The licensee has voluntarily withdrawn from practice or limited the scope of practice as required by the consultant ~~determined by the panel, or the department when there is no board,~~ in each case, until such time as the panel, or the department when there is no board, is satisfied the licensee has successfully completed an approved treatment program.
4. The licensee has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the licensee's impairment and his or her participation in a treatment program.

(b) If, however, *the department has not received a legally sufficient complaint and the licensee agrees to withdraw from practice until such time as the consultant determines the licensee has satisfactorily completed an approved treatment program or evaluation, the probable cause panel, or the department when there is no board, shall not become involved in the licensee's case.*

(c) Inquiries related to impairment treatment programs designed to provide information to the licensee and others and which do not indicate that the licensee presents a danger to the public shall not constitute a complaint within the meaning of s. 455.621 and shall be exempt from the provisions of this subsection.

(d) Whenever the department receives a legally sufficient complaint alleging that a licensee is impaired as described in paragraph (a) and no complaint against the licensee other than impairment exists, the department shall forward all information in its possession regarding the impaired licensee to the consultant. For the purposes of this section, a suspension from hospital staff privileges due to the impairment does not constitute a complaint.

(e) The probable cause panel, or the department when there is no board, shall work directly with the consultant, and all information concerning a practitioner obtained from the consultant by the panel, or the department when there is no board, shall remain confidential and exempt from the provisions of s. 119.07(1), subject to the provisions of subsections (5) and (6).

(f) A finding of probable cause shall not be made as long as the panel, or the department when there is no board, is satisfied, based upon information it receives from the consultant and the department, that the licensee is progressing satisfactorily in an approved *impaired practitioner treatment program and no other complaint against the licensee exists.*

Section 30. Subsection (1) of section 310.102, Florida Statutes, is amended to read:

310.102 Treatment programs for impaired pilots and deputy pilots.—

(1) The department shall, by rule, designate approved treatment programs for *impaired* pilots and deputy pilots under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers ~~based on the policies and guidelines established by the Impaired Practitioners Committee under s. 455.704.~~

Section 31. Section 455.711, Florida Statutes, is amended to read:

455.711 Licenses; active and inactive and delinquent status; delinquency.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this section and s. 455.624, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status. ~~However, a licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee there after completes a licensure cycle on active status.~~

(3) Each board, or the department if there is no board, shall by rule impose a fee for renewal of an active or inactive status license. ~~The renewal fee for an inactive status license may not exceed which is no greater than the fee for an active status license.~~

(4) *Notwithstanding any other provision of law to the contrary, a licensee may change licensure status at any time.*

(a) *Active status licensees choosing inactive status at the time of license renewal must pay the inactive status renewal fee, and, if applicable, the delinquency fee and the fee to change licensure status. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.*

(b) An inactive status licensee may change to active status at any time, if the licensee meets all requirements for active status, ~~pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the board, or the department if there is no board, and meets all continuing education requirements as specified in this section.~~ *Inactive status licensees choosing active status at the time of license renewal must pay the active status renewal fee, any applicable reactivation fees as set by the board, or the department if there is no board, and, if applicable, the delinquency fee and the fee to change licensure status. Inactive status licensees choosing active status at any other time than at the time of license renewal must pay the difference between the inactive status renewal fee and the active status renewal fee, if any exists, any applicable reactivation fees as set by the board, or the department if there is no board, and the fee to change licensure status.*

(5) A licensee must apply with a complete application, as defined by rule of the board, or the department if there is no board, to renew an active status or inactive status license before the license expires. If a licensee fails to renew before the license expires, the license becomes delinquent in the license cycle following expiration.

(6) A delinquent status licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(7) Each board, or the department if there is no board, shall by rule impose an additional delinquency fee, not to exceed the biennial renewal fee for an active status license, on a delinquent status licensee when such licensee applies for active or inactive status.

(8) Each board, or the department if there is no board, shall by rule impose an additional fee, not to exceed the biennial renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department if there is no board, may by rule impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time

licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive *status licensee* or a delinquent licensee *who was inactive prior to becoming delinquent* must meet the same continuing education requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.

(11) The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) This section does not apply to a business establishment registered, permitted, or licensed by the department to do business.

(13) *The board, or the department when there is no board, may adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.*

Section 32. Subsection (3) of section 455.587, Florida Statutes, is amended to read:

455.587 Fees; receipts; disposition.—

(3) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active *status licensee* and each ~~voluntary~~ inactive *status licensee* in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of the professions as required in this section. Not more than one such assessment may be made in any 4-year period without specific legislative authorization.

Section 33. Subsection (1) of section 455.714, Florida Statutes, is amended to read:

455.714 Renewal and cancellation notices.—

(1) At least 90 days before the end of a licensure cycle, the department shall:

(a) Forward a licensure renewal notification to an active or inactive *status licensee* at the licensee's last known address of record with the department.

(b) Forward a notice of pending cancellation of licensure to a delinquent *status licensee* at the licensee's last known address of record with the department.

Section 34. Section 455.719, Florida Statutes, is created to read:

455.719 *Health care professionals; exemption from disqualification from employment or contracting.—Any other provision of law to the contrary notwithstanding, only the appropriate regulatory board, or the department when there is no board, may grant an exemption from disqualification from employment or contracting as provided in s. 435.07 to a person under the licensing jurisdiction of that board or the department, as applicable.*

Section 35. Section 455.637, Florida Statutes, is amended to read:

455.637 Unlicensed practice of a *health care* profession; *intent*; cease and desist notice; ~~penalties civil penalty~~; enforcement; citations; *fees*; allocation and *disposition* of moneys collected.—

(1) *It is the intent of the Legislature that vigorous enforcement of licensure regulation for all health care professions is a state priority in order to protect Florida residents and visitors from the potentially serious and dangerous consequences of receiving medical and health care services from unlicensed persons whose professional education and training and other relevant qualifications have not been approved through the issuance of a license by the appropriate regulatory board or the department when there is no board. The unlicensed practice of a health care profession or the performance or delivery of medical or health care services to patients in this state without a valid, active license to practice that profession, regardless of the means of the performance or delivery of such services, is strictly prohibited.*

(2) *The penalties for unlicensed practice of a health care profession shall include the following:*

(a)(1) When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this part or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order.

(b) In addition to the ~~foregoing~~ remedies under paragraph (a), the department may impose by citation an administrative penalty not to exceed \$5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). *The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. If the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The department may adopt rules to implement this section. The penalty shall be a fine of not less than \$500 nor more than \$5,000 as established by rule of the department. Each day that the unlicensed practice continues after issuance of a notice to cease and desist constitutes a separate violation. The department shall be entitled to recover the costs of investigation and prosecution in addition to the fine levied pursuant to the citation. Service of a citation may be made by personal service or by mail to the subject at the subject's last known address or place of practice. If the department is required to seek enforcement of the cease and desist or agency order for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.*

(c)(2) In addition to or in lieu of any *other administrative* remedy ~~provided in subsection (1)~~, the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than \$500 and no more than \$5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation and prosecution.

(d) *In addition to the administrative and civil remedies under paragraphs (b) and (c) and in addition to the criminal violations and penalties listed in the individual health care practice acts:*

1. *It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to practice, attempt to practice, or offer to practice a health care profession without an active, valid Florida license to practice that profession. Practicing without an active, valid license also includes practicing on a suspended, revoked, or void license, but does not include practicing, attempting to practice, or offering to practice with an inactive or delinquent license for a period of up to 12 months which is addressed in subparagraph 3. Applying for employment for a position that requires a license without notifying the employer that the person does not currently possess a valid, active license to practice that profession shall be deemed to be an attempt or offer to practice that health care profession without a license. Holding oneself out, regardless of the means of communication, as able to practice a health care profession or as able to provide services that require a health care license shall be deemed to be an attempt or offer to practice such profession without a license. The minimum penalty for violating this subparagraph shall be a fine of \$1,000 and a minimum mandatory period of incarceration of 1 year.*

2. *It is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to practice a health care profession without an active, valid Florida license to practice that profession when*

such practice results in serious bodily injury. For purposes of this section, "serious bodily injury" means death; brain or spinal damage; disfigurement; fracture or dislocation of bones or joints; limitation of neurological, physical, or sensory function; or any condition that required subsequent surgical repair. The minimum penalty for violating this subparagraph shall be a fine of \$1,000 and a minimum mandatory period of incarceration of 1 year.

3. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, to practice, attempt to practice, or offer to practice a health care profession with an inactive or delinquent license for any period of time up to 12 months. However, practicing, attempting to practice, or offering to practice a health care profession when that person's license has been inactive or delinquent for a period of time of 12 months or more shall be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The minimum penalty for violating this subparagraph shall be a term of imprisonment of 30 days and a fine of \$500.

(3) Because all enforcement costs should be covered by professions regulated by the department, the department shall impose, upon initial licensure and each licensure renewal, a special fee of \$5 per licensee to fund efforts to combat unlicensed activity. Such fee shall be in addition to all other fees collected from each licensee. The board with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. The department shall make direct charges to the Medical Quality Assurance Trust Fund by profession. The department shall seek board advice regarding enforcement methods and strategies. The department shall directly credit the Medical Quality Assurance Trust Fund, by profession, with the revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 455.587. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession. The department shall also use these funds to inform and educate consumers generally on the importance of using licensed health care practitioners.

(3)(a) Notwithstanding the provisions of s. 455.621, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the subject disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The penalty shall be a fine of not less than \$500 or more than \$5,000 or other conditions as established by rule.

(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the professions in the manner provided for in s. 455.641 for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

(4)(5) The provisions of this section apply only to health care the professional practice acts administered by the department.

(5) Nothing herein shall be construed to limit or restrict the sale, use, or recommendation of the use of a dietary supplement, as defined by the Food, Drug, and Cosmetic Act, Title 21, s. 321, so long as the person

selling, using, or recommending the dietary supplement does so in compliance with federal and state law.

Section 36. Section 458.3135, Florida Statutes, is created to read:

458.3135 Temporary certificate for visiting physicians to practice in approved cancer centers.—

(1) Any physician who has been accepted for a course of training by a cancer center approved by the board and who meets all of the qualifications set forth in this section may be issued a temporary certificate to practice in a board-approved cancer center under the International Cancer Center Visiting Physician Program. A certificate may be issued to a physician who will be training under the direct supervision of a physician employed by or under contract with an approved cancer center for a period of no more than 1 year. The purpose of the International Cancer Center Visiting Physician Program is to provide to internationally respected and highly qualified physicians advanced education and training on cancer treatment techniques developed at an approved cancer center. The board may issue this temporary certificate in accordance with the restrictions set forth in this section.

(2) A temporary certificate for practice in an approved cancer center may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid and unencumbered license to practice medicine in another country;

(c) Has completed the application form adopted by the board and remitted a nonrefundable application fee not to exceed \$300;

(d) Has not committed any act in this or any other jurisdiction which would constitute the basis for disciplining a physician under s. 455.624 or s. 458.331;

(e) Meets the financial responsibility requirements of s. 458.320; and

(f) Has been accepted for a course of training by a cancer center approved by the board.

(3) The board shall by rule establish qualifications for approval of cancer centers under this section, which at a minimum shall require the cancer center to be licensed under chapter 395 and have met the standards required to be a National Cancer Institute-designated cancer center. The board shall review the cancer centers approved under this section not less than annually to ascertain that the minimum requirements of this chapter and the rules adopted thereunder are being complied with. If it is determined that such minimum requirements are not being met by an approved cancer center, the board shall rescind its approval of that cancer center and no temporary certificate for that cancer center shall be valid until such time as the board reinstates its approval of that cancer center.

(4) A recipient of a temporary certificate for practice in an approved cancer center may use the certificate to practice for the duration of the course of training at the approved cancer center so long as the duration of the course does not exceed 1 year. If at any time the cancer center is no longer approved by the board, the temporary certificate shall expire and the recipient shall no longer be authorized to practice in this state.

(5) A recipient of a temporary certificate for practice in an approved cancer center is limited to practicing in facilities owned or operated by that approved cancer center and is limited to only practicing under the direct supervision of a physician who holds a valid, active, and unencumbered license to practice medicine in this state issued under this chapter or chapter 459.

(6) The board shall not issue a temporary certificate for practice in an approved cancer center to any physician who is under investigation in another jurisdiction for an act that would constitute a violation of this chapter or chapter 455 until such time as the investigation is complete and the physician is found innocent of all charges.

(7) A physician applying under this section is exempt from the requirements of ss. 455.565-455.5656. All other provisions of chapters 455 and 458 apply.

(8) In any year, the maximum number of temporary certificates that may be issued by the board under this section may not exceed 10 at each approved cancer center.

(9) The board may adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

(10) Nothing in this section may be construed to authorize a physician who is not licensed to practice medicine in this state to qualify for or otherwise engage in the practice of medicine in this state, except as provided in this section.

Section 37. Paragraph (i) of subsection (1), and subsection (4) of section 458.3145, Florida Statutes, are amended to read:

458.3145 Medical faculty certificate.—

(1) A medical faculty certificate may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid, current license to practice medicine in another jurisdiction;

(c) Has completed the application form and remitted a nonrefundable application fee not to exceed \$500;

(d) Has completed an approved residency or fellowship of at least 1 year or has received training which has been determined by the board to be equivalent to the 1-year residency requirement;

(e) Is at least 21 years of age;

(f) Is of good moral character;

(g) Has not committed any act in this or any other jurisdiction which would constitute the basis for disciplining a physician under s. 458.331;

(h) For any applicant who has graduated from medical school after October 1, 1992, has completed, before entering medical school, the equivalent of 2 academic years of preprofessional, postsecondary education, as determined by rule of the board, which must include, at a minimum, courses in such fields as anatomy, biology, and chemistry; and

(i) Has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at:

1. The University of Florida,
2. The University of Miami,
3. The University of South Florida, or
4. The Florida State University, or

54. The Mayo Medical School at the Mayo Clinic in Jacksonville, Florida.

(2) The certificate authorizes the holder to practice only in conjunction with his or her faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals that are registered with the Board of Medicine as sites at which holders of medical faculty certificates will be practicing. Such certificate automatically expires when the holder's relationship with the medical school is terminated or after a period of 24 months, whichever occurs sooner, and is renewable every 2 years by a holder who applies to the board on a form prescribed by the board and provides certification by the dean of the medical school that the holder is a distinguished medical scholar and an outstanding practicing physician.

(3) The holder of a medical faculty certificate issued under this section has all rights and responsibilities prescribed by law for the holder of a license issued under s. 458.311, except as specifically provided otherwise by law. Such responsibilities include compliance with continuing medical education requirements as set forth by rule of the board. A hospital or ambulatory surgical center licensed under chapter 395, health maintenance organization certified under chapter 641, insurer as

defined in s. 624.03, multiple-employer welfare arrangement as defined in s. 624.437, or any other entity in this state, in considering and acting upon an application for staff membership, clinical privileges, or other credentials as a health care provider, may not deny the application of an otherwise qualified physician for such staff membership, clinical privileges, or other credentials solely because the applicant is a holder of a medical faculty certificate under this section.

(4) In any year, the maximum number of extended medical faculty certificateholders as provided in subsection (2) may not exceed 15 persons at each institution named in subparagraphs (1)(i)1.-43. and at the facility named in s. 240.512 and may not exceed 5 persons at the institution named in subparagraph (1)(i)54.

5. Annual review of all such certificate recipients will be made by the deans of the accredited 4-year medical schools within this state and reported to the Board of Medicine.

(5) Notwithstanding subsection (1), any physician, when providing medical care or treatment in connection with the education of students, residents, or faculty at the request of the dean of an accredited medical school within this state or at the request of the medical director of a statutory teaching hospital as defined in s. 408.07, may do so upon registration with the board and demonstration of financial responsibility pursuant to s. 458.320(1) or (2) unless such physician is exempt under s. 458.320(5)(a). The performance of such medical care or treatment must be limited to a single period of time, which may not exceed 180 consecutive days, and must be rendered within a facility registered under subsection (2) or within a statutory teaching hospital as defined in s. 408.07. A registration fee not to exceed \$300, as set by the board, is required of each physician registered under this subsection. However, no more than three physicians per year per institution may be registered under this subsection, and an exemption under this subsection may not be granted to a physician more than once in any given 5-year period.

Section 38. Subsection (5) is added to section 458.315, Florida Statutes, to read:

458.315 Temporary certificate for practice in areas of critical need.— Any physician who is licensed to practice in any other state, whose license is currently valid, and who pays an application fee of \$300 may be issued a temporary certificate to practice in communities of Florida where there is a critical need for physicians. A certificate may be issued to a physician who will be employed by a county health department, correctional facility, community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other entity that provides health care to indigents and that is approved by the State Health Officer. The Board of Medicine may issue this temporary certificate with the following restrictions:

(5) The application fee and all licensure fees, including neurological injury compensation assessments, shall be waived for those persons obtaining a temporary certificate to practice in areas of critical need for the purpose of providing volunteer, uncompensated care for low-income Floridians. The applicant must submit an affidavit from the employing agency or institution stating that the physician will not receive any compensation for any service involving the practice of medicine.

Section 39. Section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(44) or s. 395.805(2), who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed \$300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:

(a) Is at least 21 years of age.

(b) Has not committed any act or offense within or without the state which would constitute the basis for refusal to certify an application for licensure pursuant to s. 458.331.

(c) Is a graduate of a medical school or college as specified in s. 458.311(1)(f).

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute the basis for imposing a disciplinary penalty specified in s. 458.331(2)(b) until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

(3) Every hospital *or teaching hospital* employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training ~~registered under this section which leads to subspecialty board certification~~ shall designate a person who shall, on dates designated by the board, in consultation with the department, furnish the department with a list of ~~such~~ the hospital's employees and such other information as the board may direct. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.

(4) Registration under this section shall automatically expire after 2 years without further action by the board or the department unless an application for renewal is approved by the board. No person registered under this section may be employed or utilized as a house physician or act as a resident physician, an assistant resident physician, an intern, or a fellow in fellowship training ~~which leads to a subspecialty board certification~~ in a hospital *or teaching hospital* of this state for more than 2 years without a valid, active license or renewal of registration under this section. Requirements for renewal of registration shall be established by rule of the board. An application fee not to exceed \$300 as set by the board shall accompany the application for renewal, except that resident physicians, assistant resident physicians, interns, and fellows in fellowship training ~~registered under this section which leads to subspecialty board certification~~ shall be exempt from payment of any renewal fees.

(5) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 458.331.

(6) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital *or teaching hospital* by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to ~~such~~ the hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

(7) Any person willfully violating this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) *The board shall promulgate rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.*

Section 40. Subsection (3) of section 458.348, Florida Statutes, is created to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(3) **PROTOCOLS REQUIRING DIRECT SUPERVISION.**—*All protocols relating to electrolysis or electrology using laser or light-based hair removal or reduction by persons other than physicians licensed under this chapter or chapter 459 shall require the person performing such service to be appropriately trained and work only under the direct supervision and responsibility of a physician licensed under this chapter or chapter 459.*

Section 41. Section 459.021, Florida Statutes, is amended to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(1) Any person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association who desires to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, *or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(44) or s. 395.805(2)*, who does not hold an active license issued under this chapter shall apply to the department to be registered, on an application provided by the department, within 30 days of commencing such a training program and shall remit a fee not to exceed \$300 as set by the board.

(2) Any person required to be registered under this section shall renew such registration annually. Such registration shall be terminated upon the registrant's receipt of an active license issued under this chapter. No person shall be registered under this section for an aggregate of more than 5 years, unless additional years are approved by the board.

(3) Every hospital *or teaching hospital* having employed or contracted with or utilized the services of a person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training ~~registered under this section which leads to subspecialty board certification~~ shall designate a person who shall furnish, on dates designated by the board, in consultation with the department, to the department a list of all such persons who have served in ~~such~~ the hospital during the preceding 6-month period. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.

(4) The registration may be revoked or the department may refuse to issue any registration for any cause which would be a ground for its revocation or refusal to issue a license to practice osteopathic medicine, as well as on the following grounds:

(a) Omission of the name of an intern, resident physician, assistant resident physician, house physician, or fellow in fellowship training from the list of employees required by subsection (3) to be furnished to the department by the hospital *or teaching hospital* served by the employee.

(b) Practicing osteopathic medicine outside of a bona fide hospital training program.

(5) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 for any hospital *or teaching hospital*, and also for the superintendent, administrator, and other person or persons having administrative authority in *such* a hospital:

(a) To employ the services in ~~such~~ the hospital of any person listed in subsection (3), unless such person is registered with the department under the law or the holder of a license to practice osteopathic medicine under this chapter.

(b) To fail to furnish to the department the list and information required by subsection (3).

(6) Any person desiring registration pursuant to this section shall meet all the requirements of s. 459.0055.

(7) The board shall promulgate rules *pursuant to ss. 120.536(1) and 120.54* as necessary to implement this section.

(8) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 459.015.

(9) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital *or*

*teaching hospital* by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to *such* the hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

Section 42. Subsection (nn) is added to section 458.331(1), Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(nn) *Delegating ocular post-operative responsibilities to a person not licensed under chapters 458 or 459.*

Section 43. Subsection (pp) is added to section 459.015(1), Florida Statutes, to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) *Delegating ocular post-operative responsibilities to a person not licensed under chapters 458 or 459.*

Section 44. Paragraph (d) is added to subsection (9) of section 458.347, Florida Statutes, to read:

458.347 Physician assistants.—

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician and a member of the Board of Osteopathic Medicine.

3. The secretary of the department or his or her designee shall appoint a fully licensed physician assistant licensed under this chapter or chapter 459.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the department the licensure of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under this chapter and chapter 459, except for rules relating to the formulary developed under paragraph (4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules

submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of licensed physician assistants.

(d) *When the Council finds that an applicant for licensure has failed to meet, to the Council's satisfaction, each of the requirements for licensure set forth in this section, the Council may enter an order to:*

1. *Refuse to certify the applicant for licensure;*

2. *Approve the applicant for licensure with restrictions on the scope of practice or license; or*

3. *Approve the applicant for conditional licensure. Such conditions may include placement of the licensee on probation for a period of time and subject to such conditions as the Council may specify, including but not limited to, requiring the licensee to undergo treatment, to attend continuing education courses, to work under the direct supervision of a physician licensed in this state, or to take corrective action.*

Section 45. Paragraph (d) is added to subsection (9) of section 459.022, Florida Statutes, to read:

459.022 Physician assistants.—

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician and a member of the Board of Osteopathic Medicine.

3. The secretary of the department or her or his designee shall appoint a fully licensed physician assistant licensed under chapter 458 or this chapter.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the department the licensure of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under chapter 458 and this chapter, except for rules relating to the formulary developed under s. 458.347(4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that

board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of licensed physician assistants.

*(d) When the Council finds that an applicant for licensure has failed to meet, to the Council's satisfaction, each of the requirements for licensure set forth in this section, the Council may enter an order to:*

1. Refuse to certify the applicant for licensure;
2. Approve the applicant for licensure with restrictions on the scope of practice or license; or
3. Approve the applicant for conditional licensure. Such conditions may include placement of the licensee on probation for a period of time and subject to such conditions as the Council may specify, including but not limited to, requiring the licensee to undergo treatment, to attend continuing education courses, to work under the direct supervision of a physician licensed in this state, or to take corrective action.

Section 46. *The amendment of s. 455.637, Florida Statutes, by this act applies to offenses committed on or after the effective date of such section.*

Section 47. *Section 455.641, Florida Statutes, is repealed.*

Section 48. For the purpose of incorporating the amendment to section 455.637, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

455.574 Department of Health; examinations.—

(1)

(d) Each board, or the department when there is no board, shall adopt rules regarding the security and monitoring of examinations. The department shall implement those rules adopted by the respective boards. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 455.637 to seek fines and injunctive relief against an examinee who violates the provisions of s. 455.577 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules.

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for both disciplinary actions as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 455.637:

(a) Procuring or attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Being proven guilty of fraud or deceit or of negligence, incompetence, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, employing, or advising any licensee or business entity to practice speech-language pathology or audiology contrary to this part, part II of chapter 455, or any rule adopted pursuant thereto.

(m) Violating any provision of this part or part II of chapter 455 or any rule adopted pursuant thereto.

(n) Misrepresenting the professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or using any other term or title which might connote the availability of professional services when such use is not accurate.

(o) Representing, advertising, or implying that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(p) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual, when such is not the case.

(t) Canvassing from house to house or by telephone, either in person or by an agent, for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) Failing to notify the department in writing of a change in current mailing and place-of-practice address within 30 days after such change.

(v) Failing to provide all information as described in ss. 468.1225(5)(b), 468.1245(1), and 468.1246.

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(x) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.

(y) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

(z) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

(aa) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 468.1296.

(bb) Being unable to practice the profession for which he or she is licensed or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his or her designee, or the board that probable cause exists to believe that the licensee or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee or certificateholder to submit to a mental or physical examination by a physician, psychologist, clinical social worker, marriage and family therapist, or mental health counselor designated by the department or board. If the licensee or certificateholder refuses to comply with the department's order directing the examination, such order may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee or certificateholder resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed or certified with reasonable skill and safety to patients.

#### 484.014 Disciplinary actions.—

(1) The following acts relating to the practice of opticianry shall be grounds for both disciplinary action against an optician as set forth in this section and cease and desist or other related action by the department as set forth in s. 455.637 against any person operating an optical establishment who engages in, aids, or abets any such violation:

(a) Procuring or attempting to procure a license by misrepresentation, bribery, or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which the person is required to make or file as an optician.

(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Fraud or deceit, or negligence, incompetency, or misconduct, in the authorized practice of opticianry.

(g) Violation or repeated violation of this part or of part II of chapter 455 or any rules promulgated pursuant thereto.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(j) Violation of any provision of s. 484.012.

(k) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(l) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(m) Failing to keep written prescription files.

(n) Willfully failing to report any person who the licensee knows is in violation of this part or of rules of the department or the board.

(o) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(p) Gross or repeated malpractice.

(q) Permitting any person not licensed as an optician in this state to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

(r) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, in a court of this state or other jurisdiction, a crime which relates to the ability to practice opticianry or to the practice of opticianry.

(s) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida law or rules regulating opticianry.

(t) Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. An optician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of opticianry with reasonable skill and safety to her or his customers.

#### 484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 455.637 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

(a) Violation of any provision of s. 455.624(1), s. 484.0512, or s. 484.053.

(b) Attempting to procure a license to dispense hearing aids by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(c) Having a license to dispense hearing aids revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dispensing hearing aids or the ability to practice dispensing hearing aids, including violations of any federal laws or regulations regarding hearing aids.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those reports or records which are signed in one's capacity as a licensed hearing aid specialist.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Proof that the licensee is guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of dispensing hearing aids.

	Florida Statute	Felony Degree	Description
(h) Violation or repeated violation of this part or of part II of chapter 455, or any rules promulgated pursuant thereto.			
(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the board or department.	24.118(3)(a)	3rd	(a) LEVEL 1 Counterfeit or altered state lottery ticket.
(j) Practicing with a revoked, suspended, inactive, or delinquent license.	212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
(k) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.	212.15(2)(b) 319.30(5)	3rd 3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000. Sell, exchange, give away certificate of title or identification number plate.
(l) Showing or demonstrating, or, in the event of sale, delivery of, a product unusable or impractical for the purpose represented or implied by such action.	319.35(1)(a) 320.26(1)(a)	3rd 3rd	Tamper, adjust, change, etc., an odometer. Counterfeit, manufacture, or sell registration license plates or validation stickers.
(m) Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of the terms "doctor," "clinic," "clinical," "medical audiologist," "clinical audiologist," "research audiologist," or "audiologic" or any other term or title which might connote the availability of professional services when such use is not accurate.	322.212(1) 322.212(4)	3rd 3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification. Supply or aid in supplying unauthorized driver's license or identification card.
(n) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.	322.212(5)(a) 370.13(3)(a) 370.135(1)	3rd 3rd 3rd	False application for driver's license or identification card. Molest any stone crab trap, line, or buoy which is property of licenseholder. Molest any blue crab trap, line, or buoy which is property of licenseholder.
(o) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.	372.663(1) 414.39(2)	3rd 3rd	Poach any alligator or crocodilia. Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
(p) Making any predictions or prognostications as to the future course of a hearing impairment, either in general terms or with reference to an individual person.	414.39(3)(a) 443.071(1)	3rd 3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200. False statement or representation to obtain or increase unemployment compensation benefits.
(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.	<del>458.327(1)(a)</del> 466.026(1)(a)	<del>3rd</del> 3rd	<del>Unlicensed practice of medicine.</del> <del>Unlicensed practice of dentistry or dental hygiene.</del>
(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made" or in any other sense specially fabricated for an individual person when such is not the case.	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
(t) Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.	562.27(1) 713.69	3rd 3rd	Possess still or still apparatus. Tenant removes property upon which lien has accrued, value more than \$50.
(u) Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board.	812.014(3)(c) 812.081(2)	3rd 3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2). Unlawfully makes or causes to be made a reproduction of a trade secret.
(v) Failing to provide all information as described in s. 484.051(1).	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
Section 49. Paragraphs (a) and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:	826.01 828.122(3)	3rd 3rd	Bigamy. Fighting or baiting animals.
921.0022 Criminal Punishment Code; offense severity ranking chart.—	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
832.05 (2)(b)&(4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.	467.201 468.366 483.828(1)	3rd 3rd 3rd	Practicing midwifery without a license. Delivering respiratory care services without a license. Practicing as clinical laboratory personnel without a license.
838.015(3)	3rd	Bribery.	483.901(9)	3rd	Practicing medical physics without a license.
838.016(1)	3rd	Public servant receiving unlawful compensation.	484.053	3rd	Dispensing hearing aids without a license.
838.15(2)	3rd	Commercial bribe receiving.			
838.16	3rd	Commercial bribery.	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.			
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
849.01	3rd	Keeping gambling house.			
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
849.23	3rd	Gambling-related machines; "common offender" as to property rights.	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
849.25(2)	3rd	Engaging in bookmaking.			
860.08	3rd	Interfere with a railroad signal.	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
860.13(1)(a)	3rd	Operate aircraft while under the influence.			
893.13(2)(a)2.	3rd	Purchase of cannabis.	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
		(g) LEVEL 7	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.	784.081(1)	1st	Aggravated battery on specified official or employee.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
409.920(2)	3rd	Medicaid provider fraud.	784.083(1)	1st	Aggravated battery on code inspector.
455.637(2)	3rd	Practicing a health care profession without a license.	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
455.637(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
458.327(1)	3rd	Practicing medicine without a license.	796.03	2nd	Procuring any person under 16 years for prostitution.
459.013(1)	3rd	Practicing osteopathic medicine without a license.	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
460.411(1)	3rd	Practicing chiropractic medicine without a license.	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
461.012(1)	3rd	Practicing podiatric medicine without a license.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
462.17	3rd	Practicing naturopathy without a license.			
463.015(1)	3rd	Practicing optometry without a license.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
464.016(1)	3rd	Practicing nursing without a license.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
465.015(2)	3rd	Practicing pharmacy without a license.			

Florida Statute	Felony Degree	Description	
			(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	(a) The practice of medicine or an attempt to practice medicine without a license to practice in Florida.
812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.	(b) The use or attempted use of a license which is suspended or revoked to practice medicine.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	(c) Attempting to obtain or obtaining a license to practice medicine by knowing misrepresentation.
812.131(2)(a)	2nd	Robbery by sudden snatching.	(d) Attempting to obtain or obtaining a position as a medical practitioner or medical resident in a clinic or hospital through knowing misrepresentation of education, training, or experience.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.	Section 51. Subsection (1) of section 459.013, Florida Statutes, reads:
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	459.013 Penalty for violations.—
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.	(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.	(a) The practice of osteopathic medicine, or an attempt to practice osteopathic medicine, without an active license or certificate issued pursuant to this chapter.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	(b) The practice of osteopathic medicine by a person holding a limited license, osteopathic faculty certificate, or other certificate issued under this chapter beyond the scope of practice authorized for such licensee or certificateholder.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.	(c) Attempting to obtain or obtaining a license to practice osteopathic medicine by knowing misrepresentation.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.	(d) Attempting to obtain or obtaining a position as an osteopathic medical practitioner or osteopathic medical resident in a clinic or hospital through knowing misrepresentation of education, training, or experience.
872.06	2nd	Abuse of a dead human body.	Section 52. Subsection (1) of section 460.411, Florida Statutes, reads:
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b)) within 1,000 feet of a child care facility or school.	460.411 Violations and penalties.—
893.13(1)(e)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b), within 1,000 feet of property used for religious services or a specified business site.	(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).	(a) Practicing or attempting to practice chiropractic medicine without an active license or with a license fraudulently obtained.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.	(b) Using or attempting to use a license to practice chiropractic medicine which has been suspended or revoked.
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.	Section 53. Subsection (1) of section 461.012, Florida Statutes, reads:
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.	461.012 Violations and penalties.—
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.	(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.	(a) Practicing or attempting to practice podiatric medicine without an active license or with a license fraudulently obtained.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.	(b) Advertising podiatric services without an active license obtained pursuant to this chapter or with a license fraudulently obtained.
893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	(c) Using or attempting to use a license to practice podiatric medicine which has been suspended or revoked.

Section 50. Subsection (1) of section 458.327, Florida Statutes, reads:  
458.327 Penalty for violations.—

(1) Sell, fraudulently obtain, or furnish any naturopathic diploma, license, record, or registration or aid or abet in the same;  
(2) Practice naturopathy under the cover of any diploma, license, record, or registration illegally or fraudulently obtained or secured or issued unlawfully or upon fraudulent representations;

- (3) Advertise to practice naturopathy under a name other than her or his own or under an assumed name;
- (4) Falsely impersonate another practitioner of a like or different name;

(5) Practice or advertise to practice naturopathy or use in connection with her or his name any designation tending to imply or to designate the person as a practitioner of naturopathy without then being lawfully licensed and authorized to practice naturopathy in this state; or

(6) Practice naturopathy during the time her or his license is suspended or revoked

shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 55. Subsection (1) of section 463.015, Florida Statutes, reads:

463.015 Violations and penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

- (a) Practicing or attempting to practice optometry without a valid active license issued pursuant to this chapter.
- (b) Attempting to obtain or obtaining a license to practice optometry by fraudulent misrepresentation.
- (c) Using or attempting to use a license to practice optometry which has been suspended or revoked.

Section 56. Subsection (1) of section 464.016, Florida Statutes, reads:

464.016 Violations and penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

- (a) Practicing advanced or specialized, professional or practical nursing, as defined in this chapter, unless holding an active license or certificate to do so.
- (b) Using or attempting to use a license or certificate which has been suspended or revoked.
- (c) Knowingly employing unlicensed persons in the practice of nursing.
- (d) Obtaining or attempting to obtain a license or certificate under this chapter by misleading statements or knowing misrepresentation.

Section 57. Subsection (2) of section 465.015, Florida Statutes, reads:

465.015 Violations and penalties.—

- (2) It is unlawful for any person:
  - (a) To make a false or fraudulent statement, either for herself or himself or for another person, in any application, affidavit, or statement presented to the board or in any proceeding before the board.
  - (b) To fill, compound, or dispense prescriptions or to dispense medicinal drugs if such person does not hold an active license as a pharmacist in this state, is not registered as an intern in this state, or is an intern not acting under the direct and immediate personal supervision of a licensed pharmacist.
  - (c) To sell or dispense drugs as defined in s. 465.003(8) without first being furnished with a prescription.
  - (d) To sell samples or complimentary packages of drug products.

Section 58. Subsection (1) of section 466.026, Florida Statutes, reads:

466.026 Prohibitions; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing dentistry or dental hygiene unless the person has an appropriate, active license issued by the department pursuant to this chapter.

(b) Using or attempting to use a license issued pursuant to this chapter which license has been suspended or revoked.

(c) Knowingly employing any person to perform duties outside the scope allowed such person under this chapter or the rules of the board.

(d) Giving false or forged evidence to the department or board for the purpose of obtaining a license.

(e) Selling or offering to sell a diploma conferring a degree from a dental college or dental hygiene school or college, or a license issued pursuant to this chapter, or procuring such diploma or license with intent that it shall be used as evidence of that which the document stands for, by a person other than the one upon whom it was conferred or to whom it was granted.

Section 59. Section 467.201, Florida Statutes, reads:

467.201 Violations and penalties.—Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

- (1) Practicing midwifery, unless holding an active license to do so.
- (2) Using or attempting to use a license which has been suspended or revoked.
- (3) The willful practice of midwifery by a student midwife without a preceptor present, except in an emergency.
- (4) Knowingly allowing a student midwife to practice midwifery without a preceptor present, except in an emergency.
- (5) Obtaining or attempting to obtain a license under this chapter through bribery or fraudulent misrepresentation.
- (6) Using the name or title “midwife” or “licensed midwife” or any other name or title which implies that a person is licensed to practice midwifery, unless such person is duly licensed as provided in this chapter.
- (7) Knowingly concealing information relating to the enforcement of this chapter or rules adopted pursuant thereto.

Section 60. Section 468.366, Florida Statutes, reads:

468.366 Penalties for violations.—

- (1) It is a violation of law for any person, including any firm, association, or corporation, to:
  - (a) Sell or fraudulently obtain, attempt to obtain, or furnish to any person a diploma, license, or record, or aid or abet in the sale, procurement, or attempted procurement thereof.
  - (b) Deliver respiratory care services, as defined by this part or by rule of the board, under cover of any diploma, license, or record that was illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.
  - (c) Deliver respiratory care services, as defined by this part or by rule of the board, unless such person is duly licensed to do so under the provisions of this part or unless such person is exempted pursuant to s. 468.368.
  - (d) Use, in connection with his or her name, any designation tending to imply that he or she is a respiratory care practitioner or a respiratory therapist, duly licensed under the provisions of this part, unless he or she is so licensed.
  - (e) Advertise an educational program as meeting the requirements of this part, or conduct an educational program for the preparation of respiratory care practitioners or respiratory therapists, unless such program has been approved by the board.
  - (f) Knowingly employ unlicensed persons in the delivery of respiratory care services, unless exempted by this part.

(g) Knowingly conceal information relative to any violation of this part.

(2) Any violation of this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 61. Subsection (1) of section 483.828, Florida Statutes, reads:

483.828 Penalties for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing as clinical laboratory personnel without an active license.

(b) Using or attempting to use a license to practice as clinical laboratory personnel which is suspended or revoked.

(c) Attempting to obtain or obtaining a license to practice as clinical laboratory personnel by knowing misrepresentation.

Section 62. Subsection (9) of section 483.901, Florida Statutes, reads:

483.901 Medical physicists; definitions; licensure.—

(9) PENALTY FOR VIOLATIONS.—It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to:

(a) Practice or attempt to practice medical physics or hold oneself out to be a licensed medical physicist without holding an active license.

(b) Practice or attempt to practice medical physics under a name other than one's own.

(c) Use or attempt to use a revoked or suspended license or the license of another.

Section 63. Section 484.053, Florida Statutes, reads:

484.053 Prohibitions; penalties.—

(1) A person may not:

(a) Practice dispensing hearing aids unless the person is a licensed hearing aid specialist;

(b) Use the name or title "hearing aid specialist" when the person has not been licensed under this part;

(c) Present as her or his own the license of another;

(d) Give false, incomplete, or forged evidence to the board or a member thereof for the purposes of obtaining a license;

(e) Use or attempt to use a hearing aid specialist license that is delinquent or has been suspended, revoked, or placed on inactive status;

(f) Knowingly employ unlicensed persons in the practice of dispensing hearing aids; or

(g) Knowingly conceal information relative to violations of this part.

(2) Any person who violates any of the provisions of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a person licensed under this part allows the sale of a hearing aid by an unlicensed person not registered as a trainee or fails to comply with the requirements of s. 484.0445(2) relating to supervision of trainees, the board shall, upon determination of that violation, order the full refund of moneys paid by the purchaser upon return of the hearing aid to the seller's place of business.

Section 64. Subsection (1) of section 457.102, Florida Statutes, is amended to read:

457.102 Definitions.—As used in this chapter:

(1) "Acupuncture" means a form of primary health care, based on traditional Chinese medical concepts and modern oriental medical tech-

niques, that employs acupuncture diagnosis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture shall include, but not be limited to, the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body *and the use of electroacupuncture, Qi Gong, oriental massage, herbal therapy, dietary guidelines, and other adjunctive therapies, as defined by board rule.*

Section 65. Section 457.105, Florida Statutes, is amended to read:

457.105 Licensure qualifications and fees.—

(1) It is unlawful for any person to practice acupuncture in this state unless such person has been licensed by the board, is in a board-approved course of study, or is otherwise exempted by this chapter.

(2) A person may become licensed to practice acupuncture if the person applies to the department and:

(a) Is ~~21~~ **18** years of age or older, *has good moral character, and has the ability to communicate in English, which is demonstrated by having passed the national written examination in English or, if such examination was passed in a foreign language, by also having passed a nationally recognized English proficiency examination;*

(b) Has completed 60 college credits from an accredited postsecondary institution as a prerequisite to enrollment in an authorized 3-year course of study in acupuncture and oriental medicine, and has completed a 3-year course of study in acupuncture and oriental medicine, and effective July 31, 2001, a 4-year course of study in acupuncture and oriental medicine, which meets standards established by the board by rule, which standards include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, western pathology, western biomedical terminology, first aid, and cardiopulmonary resuscitation (CPR). However, any person who enrolled in an authorized course of study in acupuncture before August 1, 1997, must have completed only a 2-year course of study which meets standards established by the board by rule, which standards must include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology;

(c) Has successfully completed a board-approved national certification process, is actively licensed in a state that has examination requirements that are substantially equivalent to or more stringent than those of this state, or passes an examination administered by the department, which examination tests the applicant's competency and knowledge of the practice of acupuncture *and oriental medicine*. At the request of any applicant, oriental nomenclature for the points shall be used in the examination. The examination shall include a practical examination of the knowledge and skills required to practice *modern and traditional acupuncture and oriental medicine*, covering diagnostic and treatment techniques and procedures; and

(d) Pays the required fees set by the board by rule not to exceed the following amounts:

1. Examination fee: \$500 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from a national organization approved by the board.

2. Application fee: \$300.

3. Reexamination fee: \$500 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from a national organization approved by the board.

4. Initial biennial licensure fee: \$400, if licensed in the first half of the biennium, and \$200, if licensed in the second half of the biennium.

Section 66. Subsection (1) of section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of licenses; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board by rule, not to exceed ~~\$500~~ **\$700**.

Section 67. Section 483.824, Florida Statutes, is amended to read:

483.824 Qualifications of clinical laboratory director.—A clinical laboratory director must have 4 years of clinical laboratory experience with 2 years of experience in the specialty to be directed or be nationally board certified in the specialty to be directed, and must meet one of the following requirements:

- (1) Be a physician licensed under chapter 458 or chapter 459;
- (2) Hold an earned doctoral degree in a chemical, physical, or biological science from a regionally accredited institution and maintain national certification requirements equal to those required by the federal Health Care Financing Administration ~~be nationally certified~~; or
- (3) For the subspecialty of oral pathology, be a physician licensed under chapter 458 or chapter 459 or a dentist licensed under chapter 466.

Section 68. February 6th of each year is designated Florida Alzheimer's Disease Day.

Section 69. Subsection (11) of section 641.51, Florida Statutes, is created to read:

641.51 Quality assurance program; second medical opinion requirement.—

(11) If a contracted primary care physician, licensed under Chapter 458 or Chapter 459, and the organization determine that a subscriber requires examination by a licensed ophthalmologist for medically necessary, contractually covered services, then the organization shall authorize the contracted primary care physician to send the subscriber to a contracted licensed ophthalmologist.

Section 70. This act shall not be construed to prohibit anyone from seeking medical information on the Internet from any site.

Section 71. Effective upon this act becoming a law:

(1) Any funds appropriated in Committee Substitute for House Bill 2339, enacted in the 2000 Regular Session of the Legislature, for the purpose of a review of current mandated health coverages shall revert to the fund from which appropriated, and such review may not be conducted.

(2) Notwithstanding any provision to the contrary contained in Committee Substitute for House Bill 2339, enacted in the 2000 Regular Session of the Legislature, the establishment of a specialty hospital offering a range of medical services restricted to a defined age or gender group of the population or a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical illnesses or disorders, through the transfer of beds and services from an existing hospital in the same county, is not exempt from the provisions of section 408.036(1), Florida Statutes.

Section 72. Paragraph (n) of subsection (3), paragraph (c) of subsection (5), and paragraphs (b) and (d) of subsection (6) of section 627.6699, Florida Statutes, are amended to read:

627.6699 Employee Health Care Access Act.—

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

(n) "Modified community rating" means a method used to develop carrier premiums which spreads financial risk across a large population and allows adjustments for age, gender, family composition, tobacco usage, and geographic area as determined under paragraph (5)(j); *claims experience, health status, or duration of coverage as permitted under subparagraph (6)(b)5.; and administrative and acquisition expenses as permitted under subparagraph (6)(b)6.*

(5) AVAILABILITY OF COVERAGE.—

(c) Every small employer carrier must, as a condition of transacting business in this state:

1. Beginning July 1, 2000, ~~January 1, 1994~~, offer and issue all small employer health benefit plans on a guaranteed-issue basis to every eligible small employer, with 2 ~~3~~ to 50 eligible employees, that elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. A rider for addi-

tional or increased benefits may be medically underwritten and may only be added to the standard health benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section.

2. Beginning July 1, 2000, and until July 31, 2001, offer and issue basic and standard small employer health benefit plans on a guaranteed-issue basis to every eligible small employer which is eligible for guaranteed renewal, has less than two eligible employees, is not formed primarily for the purpose of buying health insurance, elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. A rider for additional or increased benefits may be medically underwritten and may be added only to the standard benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section. For purposes of this subparagraph, a person, his or her spouse, and his or her dependent children shall constitute a single eligible employee if that person and spouse are employed by the same small employer and either one has a normal work week of less than 25 hours.

3.2. Beginning August 1, 2001 ~~April 15, 1994~~, offer and issue basic and standard small employer health benefit plans on a guaranteed-issue basis, during a 31-day open enrollment period of August 1 through August 31 of each year, to every eligible small employer, with ~~less than one~~ ~~or~~ two eligible employees, which small employer is not formed primarily for the purpose of buying health insurance and which elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. Coverage provided under this subparagraph shall begin on October 1 of the same year as the date of enrollment, unless the small employer carrier and the small employer agree to a different date. A rider for additional or increased benefits may be medically underwritten and may only be added to the standard health benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section. For purposes of this subparagraph, a person, his or her spouse, and his or her dependent children constitute a single eligible employee if that person and spouse are employed by the same small employer and either that person or his or her spouse has a normal work week of less than 25 hours.

4.3. ~~Offer to eligible small employers the standard and basic health benefit plans.~~ This paragraph ~~subparagraph~~ does not limit a carrier's ability to offer other health benefit plans to small employers if the standard and basic health benefit plans are offered and rejected.

(6) RESTRICTIONS RELATING TO PREMIUM RATES.—

(b) For all small employer health benefit plans that are subject to this section and are issued by small employer carriers on or after January 1, 1994, premium rates for health benefit plans subject to this section are subject to the following:

1. Small employer carriers must use a modified community rating methodology in which the premium for each small employer must be determined solely on the basis of the eligible employee's and eligible dependent's gender, age, family composition, tobacco use, or geographic area as determined under paragraph (5)(j) and in which the premium may be adjusted as permitted by subparagraphs 5. and 6.

2. Rating factors related to age, gender, family composition, tobacco use, or geographic location may be developed by each carrier to reflect the carrier's experience. The factors used by carriers are subject to department review and approval.

3. Small employer carriers may not modify the rate for a small employer for 12 months from the initial issue date or renewal date, unless the composition of the group changes or benefits are changed. However, a small employer carrier may modify the rate one time prior to 12 months after the initial issue date for a small employer who enrolls under a previously issued group policy that has a common anniversary date for all employers covered under the policy if:

a. The carrier discloses to the employer in a clear and conspicuous manner the date of the first renewal and the fact that the premium may increase on or after that date.

b. The insurer demonstrates to the department that efficiencies in administration are achieved and reflected in the rates charged to small employers covered under the policy.

4. A carrier may issue a group health insurance policy to a small employer health alliance or other group association with rates that reflect a premium credit for expense savings attributable to administrative activities being performed by the alliance or group association if such expense savings are specifically documented in the insurer's rate filing and are approved by the department. Any such credit may not be based on different morbidity assumptions or on any other factor related to the health status or claims experience of any person covered under the policy. Nothing in this subparagraph exempts an alliance or group association from licensure for any activities that require licensure under the Insurance Code. A carrier issuing a group health insurance policy to a small employer health alliance or other group association shall allow any properly licensed and appointed agent of that carrier to market and sell the small employer health alliance or other group association policy. Such agent shall be paid the usual and customary commission paid to any agent selling the policy. ~~Carriers participating in the alliance program, in accordance with ss. 408.70-408.706, may apply a different community rate to business written in that program.~~

5. Any adjustments in rates for claims experience, health status, or duration of coverage may not be charged to individual employees or dependents. For a small employer's policy, such adjustments may not result in a rate for the small employer which deviates more than 15 percent from the carrier's approved rate. Any such adjustment must be applied uniformly to the rates charged for all employees and dependents of the small employer. A small employer carrier may make an adjustment to a small employer's renewal premium, not to exceed 10 percent annually, due to the claims experience, health status, or duration of coverage of the employees or dependents of the small employer. Semiannually small group carriers shall report information on forms adopted by rule by the department to enable the department to monitor the relationship of aggregate adjusted premiums actually charged policyholders by each carrier to the premiums that would have been charged by application of the carrier's approved modified community rates. If the aggregate resulting from the application of such adjustment exceeds the premium that would have been charged by application of the approved modified community rate by 5 percent for the current reporting period, the carrier shall limit the application of such adjustments only to minus adjustments beginning not more than 60 days after the report is sent to the department. For any subsequent reporting period, if the total aggregate adjusted premium actually charged does not exceed the premium that would have been charged by application of the approved modified community rate by 5 percent, the carrier may apply both plus and minus adjustments. A small employer carrier may provide a credit to a small employer's premium based on administrative and acquisition expense differences resulting from the size of the group. Group size administrative and acquisition expense factors may be developed by each carrier to reflect the carrier's experience and are subject to department review and approval.

6. A small employer carrier rating methodology may include separate rating categories for one dependent child, for two dependent children, and for three or more dependent children for family coverage of employees having a spouse and dependent children or employees having dependent children only. A small employer carrier may have fewer, but not greater, numbers of categories for dependent children than those specified in this subparagraph.

7. Small employer carriers may not use a composite rating methodology to rate a small employer with fewer than 10 employees. For the purposes of this subparagraph, a "composite rating methodology" means a rating methodology that averages the impact of the rating factors for age and gender in the premiums charged to all of the employees of a small employer.

(d) Notwithstanding s. 627.401(2), this section and ss. 627.410 and 627.411 apply to any health benefit plan provided by a small employer carrier that is an insurer, and this section and s. 641.31 apply to any health benefit provided by a small employer carrier that is a health maintenance organization that provides coverage to one or more employees of a small employer regardless of where the policy, certificate, or contract is issued or delivered, if the health benefit plan covers employees or their covered dependents who are residents of this state.

Section 73. Section 641.201, Florida Statutes, is amended to read:

641.201 Applicability of other laws.—Except as provided in this part, health maintenance organizations shall be governed by the provisions of this part and part III of this chapter and shall be exempt from all other

provisions of the Florida Insurance Code except those provisions of the Florida Insurance Code that are explicitly made applicable to health maintenance organizations.

Section 74. Section 641.234, Florida Statutes, is amended to read:

641.234 Administrative, provider, and management contracts.—

(1) The department may require a health maintenance organization to submit any contract for administrative services, contract with a provider other than an individual physician, contract for management services, and contract with an affiliated entity to the department.

(2) After review of a contract the department may order the health maintenance organization to cancel the contract in accordance with the terms of the contract and applicable law if it determines:

(a) That the fees to be paid by the health maintenance organization under the contract are so unreasonably high as compared with similar contracts entered into by the health maintenance organization or as compared with similar contracts entered into by other health maintenance organizations in similar circumstances that the contract is detrimental to the subscribers, stockholders, investors, or creditors of the health maintenance organization; or

(b) That the contract is with an entity that is not licensed under state statutes, if such license is required, or is not in good standing with the applicable regulatory agency.

(3) All contracts for administrative services, management services, provider services other than individual physician contracts, and with affiliated entities entered into or renewed by a health maintenance organization on or after October 1, 1988, shall contain a provision that the contract shall be canceled upon issuance of an order by the department pursuant to this section.

Section 75. Subsection (2) of section 641.27, Florida Statutes, is amended to read:

641.27 Examination by the department.—

(2) The department may contract, at reasonable fees for work performed, with qualified, impartial outside sources to perform audits or examinations or portions thereof pertaining to the qualification of an entity for issuance of a certificate of authority or to determine continued compliance with the requirements of this part, in which case the payment must be made, directly to the contracted examiner by the health maintenance organization examined, in accordance with the rates and terms agreed to by the department and the examiner. Any contracted assistance shall be under the direct supervision of the department. The results of any contracted assistance shall be subject to the review of, and approval, disapproval, or modification by, the department.

Section 76. Section 641.226, Florida Statutes, is created to read:

641.226 Application of federal solvency requirements to provider-sponsored organizations.—The solvency requirements of sections 1855 and 1856 of the Balanced Budget Act of 1997 and rules adopted by the Secretary of the United States Department of Health and Human Services apply to a health maintenance organization that is a provider-sponsored organization rather than the solvency requirements of this part. However, if the provider-sponsored organization does not meet the solvency requirements of this part, the organization is limited to the issuance of Medicare+Choice plans to eligible individuals. For the purposes of this section, the terms "Medicare+Choice plans," "provider-sponsored organizations," and "solvency requirements" have the same meaning as defined in the federal act and federal rules and regulations.

Section 77. Section 641.39, Florida Statutes, is created to read:

641.39 Soliciting or accepting new or renewal health maintenance contracts by insolvent or impaired health maintenance organization prohibited; penalty.—

(1) Whether or not delinquency proceedings as to a health maintenance organization have been or are to be initiated, a director or officer of a health maintenance organization, except with the written permission of the Department of Insurance, may not authorize or permit the health maintenance organization to solicit or accept new or renewal health

*maintenance contracts or provider contracts in this state after the director or officer knew, or reasonably should have known, that the health maintenance organization was insolvent or impaired. As used in this section, the term "impaired" means that the health maintenance organization does not meet the requirements of s. 641.225.*

(2) *Any director or officer who violates this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 78. Section 641.2011, Florida Statutes, is created to read:

*641.2011 Insurance holding companies.—Part IV of chapter 628 applies to health maintenance organizations licensed under part I of chapter 641.*

Section 79. Subsection (12) is added to section 216.136, Florida Statutes, to read:

216.136 Consensus estimating conferences; duties and principals.—

(12) *MANDATED HEALTH INSURANCE BENEFITS AND PROVIDERS ESTIMATING CONFERENCE.—*

(a) *Duties.—The Mandated Health Insurance Benefits and Providers Estimating Conference shall:*

1. *Develop and maintain, with the Department of Insurance, a system and program of data collection to assess the impact of mandated benefits and providers, including costs to employers and insurers, impact of treatment, cost savings in the health care system, number of providers, and other appropriate data.*

2. *Prescribe the format, content, and timing of information that is to be submitted to the conference and used by the conference in its assessment of proposed and existing mandated benefits and providers. Such format, content, and timing requirements are binding upon all parties submitting information for the conference to use in its assessment of proposed and existing mandated benefits and providers.*

3. *Provide assessments of proposed and existing mandated benefits and providers and other studies of mandated benefits and provider issues as requested by the Legislature or the Governor. When a legislative measure containing a mandated health insurance benefit or provider is proposed, the standing committee of the Legislature which has jurisdiction over the proposal shall request that the conference prepare and forward to the Governor and the Legislature a study that provides, for each measure, a cost-benefit analysis that assesses the social and financial impact and the medical efficacy according to prevailing medical standards of the proposed mandate. The conference has 12 months after the committee makes its request in which to complete and submit the conference's report. The standing committee may not consider such a proposed legislative measure until 12 months after it has requested the report and has received the conference's report on the measure.*

4. *The standing committees of the Legislature which have jurisdiction over health insurance matters shall request that the conference assess the social and financial impact and the medical efficacy of existing mandated benefits and providers. The committees shall submit to the conference by January 1, 2001, a schedule of evaluations that sets forth the respective dates by which the conference must have completed its evaluations of particular existing mandates.*

(b) *Principals.—The Executive Office of the Governor, the Insurance Commissioner, the Agency for Health Care Administration, the Director of the Division of Economic and Demographic Research of the Joint Legislative Management Committee, and professional staff of the Senate and the House of Representatives who have health insurance expertise, or their designees, are the principals of the Mandated Health Insurance Benefits and Providers Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.*

Section 80. Section 624.215, Florida Statutes, is amended to read:

624.215 *Proposals for legislation which mandates health benefit coverage; review by Legislature.—*

(1) *LEGISLATIVE INTENT.—The Legislature finds that there is an increasing number of proposals which mandate that certain health bene-*

*fits be provided by insurers and health maintenance organizations as components of individual and group policies. The Legislature further finds that many of these benefits provide beneficial social and health consequences which may be in the public interest. However, the Legislature also recognizes that most mandated benefits contribute to the increasing cost of health insurance premiums. Therefore, it is the intent of the Legislature to conduct a systematic review of current and proposed mandated or mandatorily offered health coverages and to establish guidelines for such a review. This review will assist the Legislature in determining whether mandating a particular coverage is in the public interest.*

(2) *MANDATED HEALTH COVERAGE; REPORT TO THE MANDATED HEALTH INSURANCE BENEFITS AND PROVIDERS ESTIMATING CONFERENCE AGENCY FOR HEALTH CARE ADMINISTRATION AND LEGISLATIVE COMMITTEES; GUIDELINES FOR ASSESSING IMPACT.—Every person or organization seeking consideration of a legislative proposal which would mandate a health coverage or the offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies, shall submit to the Mandated Health Insurance Benefits and Providers Estimating Conference Agency for Health Care Administration and the legislative committees having jurisdiction a report which assesses the social and financial impacts of the proposed coverage. Guidelines for assessing the impact of a proposed mandated or mandatorily offered health coverage must, to the extent that information is available, shall include:*

(a) *To what extent is the treatment or service generally used by a significant portion of the population.*

(b) *To what extent is the insurance coverage generally available.*

(c) *If the insurance coverage is not generally available, to what extent does the lack of coverage result in persons avoiding necessary health care treatment.*

(d) *If the coverage is not generally available, to what extent does the lack of coverage result in unreasonable financial hardship.*

(e) *The level of public demand for the treatment or service.*

(f) *The level of public demand for insurance coverage of the treatment or service.*

(g) *The level of interest of collective bargaining agents in negotiating for the inclusion of this coverage in group contracts.*

(h) *A report of the extent to which ~~To what extent will~~ the coverage will increase or decrease the cost of the treatment or service.*

(i) *A report of the extent to which ~~To what extent will~~ the coverage will increase the appropriate uses of the treatment or service.*

(j) *A report of the extent to which ~~To what extent will~~ the mandated treatment or service will be a substitute for a more expensive treatment or service.*

(k) *A report of the extent to which ~~To what extent will~~ the coverage will increase or decrease the administrative expenses of insurance companies and the premium and administrative expenses of policyholders.*

(l) *A report as to the impact of this coverage on the total cost of health care.*

*The reports required in paragraphs (h) through (l) shall be reviewed by the Mandated Health Insurance Benefits and Providers Estimating Conference using a certified actuary. The standing committee of the Legislature which has jurisdiction over the legislative proposal must request and receive a report from the Mandated Health Insurance Benefits and Providers Estimating Conference before the committee considers the proposal. The committee may not consider a legislative proposal that would mandate a health coverage or the offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization until after the committee's request to the Mandated Health Insurance Benefits and Providers Estimating Conference has been answered. As used in this section, the term "health coverage mandate" includes mandating the use of a type of provider.*

Section 81. Subsection (4) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(4) INDIGENT CARE AND TRAUMA CENTER SURTAX.—

(a) The governing body in each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents and is not authorized to levy a surtax under subsection (5) or subsection (6), may levy, pursuant to an ordinance either approved by an extraordinary vote of the governing body or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) If the ordinance is conditioned on a referendum, a statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

FOR THE . . .CENTS TAX  
AGAINST THE . . .CENTS TAX

(c) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in paragraph (d). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. *The plan must also address the services to be provided by the Level I trauma center.* It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers, *including hospitals with a Level I trauma center,* will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, *promote the advancement of technology in medical services, recognize the level of responsiveness to medical needs in trauma cases,* and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(d) For the purpose of this subsection, the term “qualified resident” means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;
2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such

program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(e) Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund;
2. Invest any funds held on deposit in the trust fund pursuant to general law; and
3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs (c) and (d), upon directive from the authorizing county. *However, if a county has a population of at least 800,000 residents and has levied the surtax authorized in this subsection, notwithstanding any directive from the authorizing county, on October 1 of each calendar year, the clerk of the court shall issue a check in the amount of \$6.5 million to a hospital in its jurisdiction that has a Level I trauma center or shall issue a check in the amount of \$3.5 million to a hospital in its jurisdiction that has a Level I trauma center if that county enacts and implements a hospital lien law in accordance with chapter 98-499, Laws of Florida. The issuance of the checks on October 1 of each year is provided in recognition of the Level I trauma center status and shall be in addition to the base contract amount received during fiscal year 1999-2000 and any additional amount negotiated to the base contract. If the hospital receiving funds for its Level I trauma center requests such funds to be used to generate federal matching funds under Medicaid, the clerk of the court shall instead issue a check to the Agency for Health Care Administration to accomplish that purpose to the extent that it is allowed through the General Appropriations Act.*

(f) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(g) This subsection expires October 1, 2005.

Section 82. Except as otherwise provided in this act, this act shall take effect July 1, 2000.

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. 400.408, F.S.; requiring field offices of the Agency for Health Care Administration to establish local coordinating workgroups to identify the operation of unlicensed assisted living facilities and to develop a plan to enforce state laws relating to unlicensed assisted living facilities; requiring a report to the agency of the workgroup’s findings and recommendations; requiring health care practitioners to report known operations of unlicensed facilities; prohibiting hospitals and community mental health centers from discharging a patient or client to an unlicensed facility; amending s. 415.1034, F.S.; requiring paramedics and emergency medical technicians to report acts of abuse committed against a disabled adult or elderly person; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 408.032, F.S.; adding definitions of “exemption” and “mental health services”; revising the term “health service”; deleting the definitions of “home health agency,” “institutional health service,” “intermediate care facility,” “multifacility project,” and “respite care”; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensing of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement

for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemptions for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing "department" with "agency"; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for non-residents; requiring a facility to report such use after the expiration of the extension; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; providing applicability; providing an appropriation for continued review of clinical laboratory services for kidney dialysis patients and requiring a report thereon; amending s. 455.564, F.S.; revising general licensing provisions for professions under the jurisdiction of the Department of Health; providing for processing of applications from foreign or nonresident applicants not yet having a social security number; providing for temporary licensure of such applicants; revising provisions relating to ongoing criminal investigations or prosecutions; requiring proof of restoration of civil rights under certain circumstances; authorizing requirement for personal appearance prior to grant or denial of a license; providing for tolling of application decision deadlines under certain circumstances; amending s. 455.565, F.S.; eliminating duplicative submission of fingerprints and other information required for criminal history checks; providing for certain access to criminal history information through the department's health care practitioner credentialing system; amending s. 455.5651, F.S.; authorizing the department to publish certain information in practitioner profiles; amending s. 455.5653, F.S.; deleting obsolete language relating to scheduling and development of practitioner profiles for additional health care practitioners; providing the department access to information on health care practitioners maintained by the Agency for Health Care Administration for corroboration purposes; amending s. 455.5654, F.S.; providing for adoption by rule of a form for submission of profiling information; amending s. 455.567, F.S.; expanding the prohibition against sexual misconduct to cover violations against guardians and representatives of patients or clients; providing penalties; amending s. 455.624, F.S.; revising and providing grounds for disciplinary action relating to having a license to practice a regulated health care profession acted against, sexual misconduct, inability to practice properly due to alcohol or substance abuse or a mental or physical condition, and testing positive for a drug without a lawful prescription therefor; providing for restriction of license as a disciplinary action; providing for issuance of a citation and assessment of a fine for certain first-time violations; reenacting ss. 455.577, 455.631, 455.651(2), 455.712(1), 458.347(7)(g), 459.022(7)(f), 468.1755(1)(a), 468.719(1)(a) and (2), 468.811, and 484.056(1)(a), F.S., relating to theft or reproduction of an examination, giving false information, disclosure of confidential information, business establishments providing regulated services without an active status license, and practice violations by physician assistants, nursing home administrators, athletic trainers, orthotists, prosthetists, pedorthists, and hearing aid specialists, to incorporate the amendment to s. 455.624, F.S., in references thereto; repealing s. 455.704, F.S., relating to the Impaired Practitioners Committee; amending s. 455.707, F.S., relating to impaired practitioners, to conform; clarifying provisions relating to complaints against impaired practitioners; amending s. 310.102, F.S.; revising and removing references, to conform; amending s. 455.711, F.S.; revising provisions relating to active and inactive status licensure; eliminating reference to delinquency as a licensure status; providing rulemaking authority; amending ss. 455.587 and 455.714, F.S.; revising references, to conform; creating s. 455.719, F.S.; providing that the appropriate medical regulatory board, or the department when there is no board, has exclusive authority to grant exemptions from disqualification from employment or contracting with respect to persons under the licensing jurisdiction of that board or the department, as applicable; amending s. 455.637, F.S.; revising provisions relating to sanctions against the unlicensed practice of a health care profession; providing legislative intent; revising and expanding provisions relating to civil and administrative remedies; providing criminal

penalties; incorporating and modifying the substance of current provisions that impose a fee to combat unlicensed activity and provide for disposition of the proceeds thereof; providing statutory construction relating to dietary supplements; reenacting ss. 458.327, 459.013, 460.411, 461.012, 462.17, 463.015, 464.016, 465.015, 466.026, 467.201, 468.366, 483.828, 483.901, 484.053, F.S.; providing penalties; creating s. 458.3135, F.S.; providing for temporary certification for visiting physicians to practice in approved cancer centers; providing certification requirements; providing fees; providing for approval of cancer centers and annual review of such approval; providing practice limitations and conditions; limiting the number of certificates that may be issued; providing rulemaking authority; amending s. 458.3145, F.S.; adding medical schools to list of programs at which medical faculty certificateholders may practice; amending s. 458.315, F.S.; waiving application and licensure fees for physicians obtaining a temporary certificate to practice in areas of critical need when such practice is limited to volunteer, uncompensated care for low-income persons; amending ss. 458.345 and 459.021, F.S.; providing for registration of persons desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a statutory teaching hospital; providing requirements; providing fees; providing penalties; providing rulemaking authority; amending s. 458.348, F.S.; requiring protocols to contain specified requirements; creating s. 458.331(1)(nn), F.S.; providing ground for discipline; creating s. 459.015(1)(pp), F.S., providing ground for discipline; amending s. 458.347, F.S.; providing authority to the Council on Physician Assistants to refuse to certify an applicant for licensure or place restrictions or conditions on license; amending s. 459.022, F.S.; providing authority to the Council on Physician Assistants to refuse to certify an applicant for licensure or place restrictions or conditions on license; providing applicability; repealing s. 455.641, F.S., relating to unlicensed activity fees, to conform; reenacting ss. 455.574(1)(d), 468.1295(1), 484.014(1), and 484.056(1), F.S., relating to violation of security provisions for examinations and violations involving speech-language pathology, audiology, opticianry, and the dispensing of hearing aids, to incorporate the amendment to s. 455.637, F.S., in references thereto; amending s. 921.0022, F.S.; modifying the criminal offense severity ranking chart to add or increase the level of various offenses relating to the practice of a health care profession, the practice of medicine, osteopathic medicine, chiropractic medicine, podiatric medicine, naturopathy, optometry, nursing, pharmacy, dentistry, dental hygiene, midwifery, respiratory therapy, and medical physics, practicing as clinical laboratory personnel, and the dispensing of hearing aids; amending s. 457.102, F.S.; revising the definition of "acupuncture"; amending s. 457.105, F.S.; revising licensure qualifications to practice acupuncture; amending s. 457.107, F.S.; modifying the fee for renewal of a license to practice acupuncture; amending s. 483.824, F.S.; revising qualifications of clinical laboratory directors; designating Florida Alzheimer's Disease Day; amending s. 641.51, F.S.; providing for referral to ophthalmologist under certain circumstances; providing that the act not be construed to prohibit certain uses of the Internet; providing that certain funds appropriated to conduct a review of current mandated health coverages revert to the fund from which appropriated and that the review may not be conducted; abrogating certain exemptions from s. 408.036(1), F.S., which are enacted in the 2000 Regular Session; amending s. 627.6699, F.S.; modifying definitions; requiring small employer carriers to begin to offer and issue all small employer benefit plans on a specified date; deleting the requirement that basic and standard small employer health benefit plans be issued; providing additional requirements for determining premium rates for benefit plans; providing for applicability of the act to plans provided by small employer carriers that are insurers or health maintenance organizations notwithstanding the provisions of certain other specified statutes under specified conditions; amending s. 641.201, F.S.; clarifying applicability of the Florida Insurance Code to health maintenance organizations; amending s. 641.234, F.S.; providing conditions under which the Department of Insurance may order a health maintenance organization to cancel a contract; amending s. 641.27, F.S.; providing for payment by a health maintenance organization of fees to outside examiners appointed by the Department of Insurance; creating s. 641.226, F.S.; providing for application of federal solvency requirements to provider-sponsored organizations; creating s. 641.39, F.S.; prohibiting the solicitation or acceptance of contracts by insolvent or impaired health maintenance organizations; providing a criminal penalty; creating s. 641.2011, F.S.; providing that part IV of chapter 628, F.S., applies to health maintenance organizations; amending s. 216.136, F.S.; creating the Mandated Health Insurance Benefits and Providers Estimating Conference; providing for membership and duties of the conference; providing duties of legislative committees that have jurisdiction over health insurance matters; amending

s. 624.215, F.S.; providing that certain legislative proposals must be submitted to and assessed by the conference, rather than the Agency for Health Care Administration; amending guidelines for assessing the impact of a proposal to legislatively mandate certain health coverage; providing prerequisites to legislative consideration of such proposals; amending s. 212.055, F.S.; expanding the authorized use of the indigent care surtax to include trauma centers; renaming the surtax; requiring the plan set out in the ordinance to include additional provisions concerning Level I trauma centers; providing requirements for annual disbursements to hospitals on October 1 to be in recognition of the Level I trauma center status and to be in addition to a base contract amount, plus any negotiated additions to indigent care funding; authorizing funds received to be used to generate federal matching funds under certain conditions and authorizing payment by the clerk of the court; providing effective dates.

Senators Horne and Kirkpatrick offered the following amendment to **Amendment 1** which was moved by Senator Horne and adopted:

**Amendment 1A (574382)(with title amendment)**—On page 84, lines 4-21, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 147, lines 14-17, delete those lines and insert: to contain specified requirements; amending s.

The vote was:

Yeas—22

Bronson	Childers	Jones	Meek
Brown-Waite	Diaz de la Portilla	King	Mitchell
Burt	Diaz-Balart	Kirkpatrick	Rossin
Campbell	Grant	Kurth	Silver
Carlton	Holzendorf	Laurent	
Casas	Horne	Lee	

Nays—13

Madam President	Forman	Latvala	Scott
Cowin	Geller	Myers	Sullivan
Dawson	Klein	Saunders	Webster
Dyer			

Vote after roll call:

Yea to Nay—Rossin

Senator King moved the following amendment to **Amendment 1**:

**Amendment 1B (020136)(with title amendment)**—On page 131, line 27 through page 136, line 10, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 150, lines 3-17, delete those lines and insert: health maintenance organizations;

Further consideration of **Amendment 1B** was deferred.

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

**Amendment 1C (645222)(with title amendment)**—On page 140, between lines 14 and 15, insert:

Section 82. Sections 468.821 through 468.829, Florida Statutes, are renumbered as sections 464.201 through 464.209, respectively, designated as part II of chapter 464, Florida Statutes, and amended to read:

~~464.201 468.821~~ Definitions.—As used in this part, the term:

(1) "Approved training program" means:

(a) A course of training conducted by a public sector or private sector educational center licensed by the Department of Education to implement the basic curriculum for nursing assistants which is approved by the Department of Education. *Beginning October 1, 2000, the board shall assume responsibility for approval of training programs under this paragraph.*

(b) A training program operated under s. 400.141.

(2) "Board" means the Board of Nursing.

(3)(2) "Certified nursing assistant" means a person who meets the qualifications specified in this part and who is certified by the ~~board department~~ as a certified nursing assistant.

(4)(3) "Department" means the Department of Health.

(5)(4) "Registry" means the listing of certified nursing assistants maintained by the ~~board department~~.

~~464.202 468.822~~ Duties and powers of the ~~board department~~.—The ~~board department~~ shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by ~~board department~~ rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The ~~board department~~ shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants to enforce this part. The ~~board department~~ may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. *The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered.* The provider shall pay all reasonable costs and expenses incurred by the ~~board department~~ in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

~~464.203 468.823~~ Certified nursing assistants; certification requirements.—

(1) The ~~board department~~ shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and *successfully passes the required Level I or Level II screening pursuant to s. 400.215* and meets one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the ~~board department~~, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the ~~board department~~ and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the ~~board department~~, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the ~~board department~~ and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or
2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; *and has not been found to have committed abuse, neglect, or exploitation in that state; and has successfully completed a national nursing assistant evaluation in order to receive certification in that state.*

(d) *Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.*

(2) If an applicant fails to pass the nursing assistant competency examination in three attempts, the applicant is not eligible for reexamination unless the applicant completes an approved training program.

(3) An oral examination shall be administered as a substitute for the written portion of the examination upon request. The oral examination shall be administered at a site and by personnel approved by the department.

(4) The ~~board department~~ shall adopt rules to provide for the initial certification of certified nursing assistants.

(5) A certified nursing assistant shall maintain a current address with the ~~board department~~ in accordance with s. 455.717.

~~464.204 468.824~~ Denial, suspension, or revocation of certification; disciplinary actions.—

(1) The following acts constitute grounds for which the ~~board department~~ may impose disciplinary sanctions as specified in subsection (2):

(a) Obtaining or attempting to obtain *certification* or an exemption, or possessing or attempting to possess *certification* or a letter of exemption, by bribery, misrepresentation, deceit, or through an error of the ~~board department~~.

(b) Intentionally violating any provision of this chapter, chapter 455, or the rules adopted by the ~~board department~~.

(2) When the ~~board department~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial, suspension, or revocation of certification.

(b) Imposition of an administrative fine not to exceed \$150 for each count or separate offense.

(c) Imposition of probation or restriction of certification, including conditions such as corrective actions as retraining or compliance with an approved treatment program for impaired practitioners.

(3) The ~~board department~~ may, upon the request of a certificateholder, exempt the certificateholder from disqualification of ~~certification or disqualification~~ of employment in accordance with chapter 435 and issue a letter of exemption. ~~After January 1, 2000, The board department~~ must notify an applicant seeking an exemption from disqualification from certification or employment of its decision to approve or deny the request within 30 days after the date the ~~board department~~ receives all required documentation.

~~464.205 468.825~~ Availability of disciplinary records and proceedings.—Pursuant to s. 455.621, any complaint or record maintained by the department of Health pursuant to the discipline of a certified nursing assistant and any proceeding held by the ~~board department~~ to discipline a certified nursing assistant shall remain open and available to the public.

~~464.206 468.826~~ Exemption from liability.—If an employer terminates or denies employment to a certified nursing assistant whose certification is inactive as shown on the certified nursing assistant registry or whose name appears on the central abuse registry and tracking system of the Department of Children and Family Services or on a criminal screening report of the Department of Law Enforcement, the employer is not civilly liable for such termination and a cause of action may not be brought against the employer for damages, regardless of whether the employee has filed for an exemption from the ~~board department~~ under s. ~~464.204(3) 468.824(1)~~. There may not be any monetary liability on the part of, and a cause of action for damages may not arise against, any licensed facility, its governing board or members thereof, medical staff, disciplinary board, agents, investigators, witnesses, employees, or any other person for any action taken in good faith without intentional fraud in carrying out this section.

~~464.207 468.827~~ Penalties.—It is a misdemeanor of the first degree, punishable as provided under s. 775.082 or s. 775.083, for any person, knowingly or intentionally, to fail to disclose, by false statement, misrepresentation, impersonation, or other fraudulent means, in any application for voluntary or paid employment or *certification* ~~license~~ regulated under this part, a material fact used in making a determination as

to such person's qualifications to be an employee or *certificateholder* ~~licensee~~.

~~464.208 468.828~~ Background screening information; rulemaking authority.—

(1) The Agency for Health Care Administration shall allow the ~~board department~~ to electronically access its background screening database and records, and the Department of Children and Family Services shall allow the ~~board department~~ to electronically access its central abuse registry and tracking system under chapter 415.

(2) An employer, or an agent thereof, may not use criminal records, juvenile records, or information obtained from the central abuse hotline under chapter 415 *relating to vulnerable adults* for any purpose other than determining if the person meets the requirements of this part. Such records and information obtained by the ~~board department~~ shall remain confidential and exempt from s. 119.07(1).

(3) If the requirements of the Omnibus Budget Reconciliation Act of 1987, as amended, for the certification of nursing assistants are in conflict with this part, the federal requirements shall prevail for those facilities certified to provide care under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act.

(4) The ~~board department~~ shall adopt rules to administer this part.

~~464.209 468.829~~ Certified nursing assistant registry.—

(1) By October 1, 1999, and by October 1 of every year thereafter, each employer of certified nursing assistants shall submit to the ~~board Department of Health~~ a list of the names and social security numbers of each person employed by the employer as a certified nursing assistant in a nursing-related occupation for a minimum of 8 hours for monetary compensation during the preceding 24 months. Employers may submit such information electronically through the department's Internet site.

(2) The ~~board department~~ shall update the certified nursing assistant registry upon receipt of the lists of certified nursing assistants, ~~and shall complete the first of such updates by December 31, 1999.~~

(3) Each certified nursing assistant whose name is not reported to the ~~board department~~ under subsection (1) on October 1, 1999, shall be assigned an inactive certification on January 1, 2000. A certified nursing assistant may remove such an inactive certification by submitting documentation to the ~~board department~~ that he or she was employed for a minimum of 8 hours for monetary compensation as a certified nursing assistant in a nursing-related occupation during the preceding 24 months.

(4) This section is repealed October 2, 2001.

Section 83. Section 464.2085, Florida Statutes, is created to read:

~~464.2085~~ *Council on Certified Nursing Assistants.*—*The Council on Certified Nursing Assistants is created within the department, under the Board of Nursing.*

(1) *The council shall consist of five members appointed as follows:*

(a) *The chairperson of the Board of Nursing shall appoint two members who are registered nurses. One of the members must currently supervise a certified nursing assistant in a licensed nursing home.*

(b) *The chairperson of the Board of Nursing shall appoint one member who is a licensed practical nurse who is currently working in a licensed nursing home.*

(c) *The secretary of the department or his or her designee shall appoint two certified nursing assistants currently certified under this chapter, at least one of whom is currently working in a licensed nursing home.*

(2) *The council shall:*

(a) *Recommend to the department policies and procedures for the certification of nursing assistants.*

(b) *Develop all rules regulating the education, training, and certification process for nursing assistants certified under this chapter. The Board of Nursing shall consider adopting a proposed rule developed by*

the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council.

(c) Make recommendations to the board regarding all matters relating to the certification of nursing assistants.

(d) Address concerns and problems of certified nursing assistants in order to improve safety in the practice of certified nursing assistants.

Section 84. Paragraph (g) of subsection (3) of section 20.43, Florida Statutes, is amended to read:

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

(3) The following divisions of the Department of Health are established:

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

- 1.—Nursing assistants, as provided under s. 400.211.
- 1.2. Health care services pools, as provided under s. 402.48.
- 2.3. The Board of Acupuncture, created under chapter 457.
- 3.4. The Board of Medicine, created under chapter 458.
- 4.5. The Board of Osteopathic Medicine, created under chapter 459.
- 5.6. The Board of Chiropractic Medicine, created under chapter 460.
- 6.7. The Board of Podiatric Medicine, created under chapter 461.
- 7.8. Naturopathy, as provided under chapter 462.
- 8.9. The Board of Optometry, created under chapter 463.
- 9.10. The Board of Nursing, created under *part I* of chapter 464.
10. Nursing assistants, as provided under *part II* of chapter 464.
11. The Board of Pharmacy, created under chapter 465.
12. The Board of Dentistry, created under chapter 466.
13. Midwifery, as provided under chapter 467.
14. The Board of Speech-Language Pathology and Audiology, created under *part I* of chapter 468.
15. The Board of Nursing Home Administrators, created under *part II* of chapter 468.
16. The Board of Occupational Therapy, created under *part III* of chapter 468.
17. Respiratory therapy, as provided under *part V* of chapter 468.
18. Dietetics and nutrition practice, as provided under *part X* of chapter 468.
19. The Board of Athletic Training, created under *part XIII* of chapter 468.
20. The Board of Orthotists and Prosthetists, created under *part XIV* of chapter 468.
21. Electrolysis, as provided under chapter 478.
22. The Board of Massage Therapy, created under chapter 480.
23. The Board of Clinical Laboratory Personnel, created under *part III* of chapter 483.
24. Medical physicists, as provided under *part IV* of chapter 483.
25. The Board of Opticianry, created under *part I* of chapter 484.
26. The Board of Hearing Aid Specialists, created under *part II* of chapter 484.

27. The Board of Physical Therapy Practice, created under chapter 486.

28. The Board of Psychology, created under chapter 490.

29. School psychologists, as provided under chapter 490.

30. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department may contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 85. Subsection (38) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(38) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under *part I* of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

Section 86. Paragraph (b) of subsection (1) of section 39.304, Florida Statutes, is amended to read:

39.304 Photographs, medical examinations, X rays, and medical treatment of abused, abandoned, or neglected child.—

(1)

(b) If the areas of trauma visible on a child indicate a need for a medical examination, or if the child verbally complains or otherwise exhibits distress as a result of injury through suspected child abuse, abandonment, or neglect, or is alleged to have been sexually abused, the person required to investigate may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents or legal custodian. Such examination may be performed by any licensed physician or an advanced registered nurse practitioner licensed pursuant to *part I* of chapter 464. Any licensed physician, or advanced registered nurse practitioner licensed pursuant to *part I* of chapter 464, who has reasonable cause to suspect that an injury was the result of child abuse, abandonment, or neglect may authorize a radiological examination to be performed on the child without the consent of the child's parent or legal custodian.

Section 87. Paragraph (c) of subsection (6) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)

(c) Notwithstanding the provisions of this section, the agency head or his or her designee may extend the other-personal-services employment of a health care practitioner licensed pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, *part I* of chapter 464, chapter 466, chapter 468, chapter 483, chapter 486, or chapter 490 beyond 2,080 hours and may employ such practitioner on an hourly or other basis.

Section 88. Subsection (1) of section 232.46, Florida Statutes, is amended to read:

232.46 Administration of medication by school district personnel.—

(1) Notwithstanding the provisions of the Nurse Practice Act, *part I* of chapter 464, school district personnel shall be authorized to assist students in the administration of prescription medication when the following conditions have been met:

(a) Each district school board shall include in its approved school health services plan a procedure to provide training, by a registered nurse, a licensed practical nurse, a physician licensed pursuant to chapter 458 or chapter 459, or a physician assistant licensed pursuant to

chapter 458 or chapter 459, to the school personnel designated by the principal to assist students in the administration of prescribed medication. Such training may be provided in collaboration with other school districts, through contract with an education consortium, or by any other arrangement consistent with the intent of this section.

(b) Each district school board shall adopt policies and procedures governing the administration of prescription medication by school district personnel. The policies and procedures shall include, but not be limited to, the following provisions:

1. For each prescribed medication, the student's parent or guardian shall provide to the school principal a written statement which shall grant to the principal or the principal's designee permission to assist in the administration of such medication and which shall explain the necessity for such medication to be provided during the school day, including any occasion when the student is away from school property on official school business. The school principal or the principal's trained designee shall assist the student in the administration of such medication.

2. Each prescribed medication to be administered by school district personnel shall be received, counted, and stored in its original container. When the medication is not in use, it shall be stored in its original container in a secure fashion under lock and key in a location designated by the principal.

Section 89. Subsection (6) of section 240.4075, Florida Statutes, is amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(6) In addition to licensing fees imposed under *part I* of chapter 464, there is hereby levied and imposed an additional fee of \$5, which fee shall be paid upon licensure or renewal of nursing licensure. Revenues collected from the fee imposed in this subsection shall be deposited in the Nursing Student Loan Forgiveness Trust Fund of the Department of Education and will be used solely for the purpose of carrying out the provisions of this section and s. 240.4076. Up to 50 percent of the revenues appropriated to implement this subsection may be used for the nursing scholarship program established pursuant to s. 240.4076.

Section 90. Paragraph (b) of subsection (1) of section 246.081, Florida Statutes, is amended to read:

246.081 License, certificate of exemption, or authorization required; exceptions.—

(1) The following colleges are not under the jurisdiction of the board and are not required to obtain a license, a certificate of exemption, permission to operate, or an authorization from the board:

(b) Any college, school, or course licensed or approved for establishment and operation under *part I* of chapter 464, chapter 466, or chapter 475, or any other chapter of the Florida Statutes, requiring licensing or approval as defined in ss. 246.011-246.151.

Section 91. Subsection (2) of section 310.102, Florida Statutes, is amended to read:

310.102 Treatment programs for impaired pilots and deputy pilots.—

(2) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a licensee under the jurisdiction of the Division of Medical Quality Assurance within the Department of Health, and at least one consultant must be a practitioner licensed under chapter 458, chapter 459, or *part I* of chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a pilot or deputy pilot is, in fact, impaired.

Section 92. Subsection (7) of section 381.0302, Florida Statutes, is amended to read:

381.0302 Florida Health Services Corps.—

(7) The financial penalty for noncompliance with participation requirements for persons who have received financial payments under

subsection (5) or subsection (6) shall be determined in the same manner as in the National Health Services Corps scholarship program. In addition, noncompliance with participation requirements shall also result in ineligibility for professional licensure or renewal of licensure under chapter 458, chapter 459, chapter 460, *part I* of chapter 464, chapter 465, or chapter 466. For a participant who is unable to participate for reasons of disability, the penalty is the actual amount of financial assistance provided to the participant. Financial penalties shall be deposited in the Florida Health Services Corps Trust Fund and shall be used to provide additional scholarship and financial assistance.

Section 93. Subsection (1) of section 384.30, Florida Statutes, is amended to read:

384.30 Minors' consent to treatment.—

(1) The department and its authorized representatives, each physician licensed to practice medicine under the provisions of chapter 458 or chapter 459, each health care professional licensed under the provisions of *part I* of chapter 464 who is acting pursuant to the scope of his or her license, and each public or private hospital, clinic, or other health facility may examine and provide treatment for sexually transmissible diseases to any minor, if the physician, health care professional, or facility is qualified to provide such treatment. The consent of the parents or guardians of a minor is not a prerequisite for an examination or treatment.

Section 94. Section 384.31, Florida Statutes, is amended to read:

384.31 Serological testing of pregnant women; duty of the attendant.—

(1) Every person, including every physician licensed under chapter 458 or chapter 459 or midwife licensed under *part I* of chapter 464 or chapter 467, attending a pregnant woman for conditions relating to pregnancy during the period of gestation and delivery shall take or cause to be taken a sample of venous blood at a time or times specified by the department. Each sample of blood shall be tested by a laboratory approved for such purposes under *part I* of chapter 483 for sexually transmissible diseases as required by rule of the department.

(2) At the time the venous blood sample is taken, testing for human immunodeficiency virus (HIV) infection shall be offered to each pregnant woman. The prevailing professional standard of care in this state requires each health care provider and midwife who attends a pregnant woman to counsel the woman to be tested for human immunodeficiency virus (HIV). Counseling shall include a discussion of the availability of treatment if the pregnant woman tests HIV positive. If a pregnant woman objects to HIV testing, reasonable steps shall be taken to obtain a written statement of such objection, signed by the patient, which shall be placed in the patient's medical record. Every person, including every physician licensed under chapter 458 or chapter 459 or midwife licensed under *part I* of chapter 464 or chapter 467, who attends a pregnant woman who has been offered and objects to HIV testing shall be immune from liability arising out of or related to the contracting of HIV infection or acquired immune deficiency syndrome (AIDS) by the child from the mother.

Section 95. Subsection (23) of section 394.455, Florida Statutes, is amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(23) "Psychiatric nurse" means a registered nurse licensed under *part I* of chapter 464 who has a master's degree or a doctorate in psychiatric nursing and 2 years of post-master's clinical experience under the supervision of a physician.

Section 96. Paragraphs (a) and (b) of subsection (2) and subsection (4) of section 395.0191, Florida Statutes, are amended to read:

395.0191 Staff membership and clinical privileges.—

(2)(a) Each licensed facility shall establish rules and procedures for consideration of an application for clinical privileges submitted by an advanced registered nurse practitioner licensed and certified under *part I* of chapter 464, in accordance with the provisions of this section. No licensed facility shall deny such application solely because the applicant is licensed under *part I* of chapter 464 or because the applicant is not a

participant in the Florida Birth-Related Neurological Injury Compensation Plan.

(b) An advanced registered nurse practitioner who is certified as a registered nurse anesthetist licensed under *part I* of chapter 464 shall administer anesthesia under the onsite medical direction of a professional licensed under chapter 458, chapter 459, or chapter 466, and in accordance with an established protocol approved by the medical staff. The medical direction shall specifically address the needs of the individual patient.

(4) Nothing herein shall restrict in any way the authority of the medical staff of a licensed facility to review for approval or disapproval all applications for appointment and reappointment to all categories of staff and to make recommendations on each applicant to the governing board, including the delineation of privileges to be granted in each case. In making such recommendations and in the delineation of privileges, each applicant shall be considered individually pursuant to criteria for a doctor licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or for an advanced registered nurse practitioner licensed and certified under *part I* of chapter 464, or for a psychologist licensed under chapter 490, as applicable. The applicant's eligibility for staff membership or clinical privileges shall be determined by the applicant's background, experience, health, training, and demonstrated competency; the applicant's adherence to applicable professional ethics; the applicant's reputation; and the applicant's ability to work with others and by such other elements as determined by the governing board, consistent with this part.

Section 97. Subsection (11) of section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(11) "Nursing home facility" means any facility which provides nursing services as defined in *part I* of chapter 464 and which is licensed according to this part.

Section 98. Section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(1) *To serve as a nursing assistant in any nursing home*, a person must be certified as a nursing assistant under *part II XV* of chapter 464 468, unless the person is ~~except~~ a registered nurse or practical nurse licensed in accordance with *part I* of chapter 464 or an applicant for such licensure who is permitted to practice nursing in accordance with rules adopted by the Board of Nursing pursuant to *part I* of chapter 464, ~~to serve as a nursing assistant in any nursing home.~~

(2) The following categories of persons who are not certified as nursing assistants under ~~this part II of chapter 464~~ may be employed by a nursing facility for a period of 4 months:

(a) Persons who are enrolled in, *or have completed*, a state-approved nursing assistant program; or

(b) Persons who have been positively verified ~~by a state-approved test site~~ as *actively certified* and on the registry in another state with no findings of abuse, ~~but who have not completed the written examination required under this section;~~ or

(c) *Persons who have preliminarily passed the state's certification exam.*

The certification requirement must be met within 4 months ~~after~~ of initial employment as a nursing assistant in a licensed nursing facility.

(3) Nursing homes shall require persons seeking employment as a certified nursing assistant to submit an employment history to the facility. The facility shall verify the employment history unless, through diligent efforts, such verification is not possible. There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, a former employer who reasonably and in good faith communicates his or her honest opinion about a former employee's job performance.

Section 99. Paragraph (b) of subsection (4) of section 400.215, Florida Statutes, is amended to read:

400.215 Personnel screening requirement.—

(4)

(b) As provided in s. 435.07, the *appropriate regulatory board within the Department of Health, or that department itself when there is no board*, may grant an exemption from disqualification to an employee or prospective employee who is subject to this section and who has received a professional license or certification from the Department of Health *or a regulatory board within that department*.

Section 100. Paragraph (c) is added to subsection (3) of section 400.23, Florida Statutes, to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)

(c) *Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.*

Section 101. Subsections (12) and (14) of section 400.402, Florida Statutes, are amended to read:

400.402 Definitions.—When used in this part, the term:

(12) "Extended congregate care" means acts beyond those authorized in subsection (17) that may be performed pursuant to *part I* of chapter 464 by persons licensed thereunder while carrying out their professional duties, and other supportive services which may be specified by rule. The purpose of such services is to enable residents to age in place in a residential environment despite mental or physical limitations that might otherwise disqualify them from residency in a facility licensed under this part.

(14) "Limited nursing services" means acts that may be performed pursuant to *part I* of chapter 464 by persons licensed thereunder while carrying out their professional duties but limited to those acts which the department specifies by rule. Acts which may be specified by rule as allowable limited nursing services shall be for persons who meet the admission criteria established by the department for assisted living facilities and shall not be complex enough to require 24-hour nursing supervision and may include such services as the application and care of routine dressings, and care of casts, braces, and splints.

Section 102. Paragraphs (a) and (b) of subsection (3) of section 400.407, Florida Statutes, are amended to read:

400.407 License required; fee, display.—

(3) Any license granted by the agency must state the maximum resident capacity of the facility, the type of care for which the license is granted, the date the license is issued, the expiration date of the license, and any other information deemed necessary by the agency. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health.

(a) A standard license shall be issued to facilities providing one or more of the services identified in s. 400.402. Such facilities may also employ or contract with a person licensed under *part I* of chapter 464 to administer medications and perform other tasks as specified in s. 400.4255.

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

1. In order for extended congregate care services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically

designate, on the facility's license, that such services may be provided and whether the designation applies to all or part of a facility. Such designation may be made at the time of initial licensure or biennial relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

- a. A class I or class II violation;
- b. Three or more repeat or recurring class III violations of identical or similar resident care standards as specified in rule from which a pattern of noncompliance is found by the agency;
- c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;
- d. Violation of resident care standards resulting in a requirement to employ the services of a consultant pharmacist or consultant dietitian;
- e. Denial, suspension, or revocation of a license for another facility under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or
- f. Imposition of a moratorium on admissions or initiation of injunctive proceedings.

2. Facilities that are licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit such facilities at least two times a year to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part and with rules that relate to extended congregate care. One of these visits may be in conjunction with the regular biennial survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that biennially inspects such facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the biennial inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. Before such decision is made, the agency shall consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.

3. Facilities that are licensed to provide extended congregate care services shall:

- a. Demonstrate the capability to meet unanticipated resident service needs.
- b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.
- c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency, as necessary.
- d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place to the extent possible, so that moves due to changes in functional status are minimized or avoided.
- e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

- f. Implement the concept of managed risk.
- g. Provide, either directly or through contract, the services of a person licensed pursuant to *part I* of chapter 464.
- h. In addition to the training mandated in s. 400.452, provide specialized training as defined by rule for facility staff.

4. Facilities licensed to provide extended congregate care services are exempt from the criteria for continued residency as set forth in rules adopted under s. 400.441. Facilities so licensed shall adopt their own requirements within guidelines for continued residency set forth by the department in rule. However, such facilities may not serve residents who require 24-hour nursing supervision. Facilities licensed to provide extended congregate care services shall provide each resident with a written copy of facility policies governing admission and retention.

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

6. Before admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 400.426(4) and the facility must develop a preliminary service plan for the individual.

7. When a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility shall make arrangements for relocating the person in accordance with s. 400.428(1)(k).

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

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

- a. A description of the facilities licensed to provide such services, including total number of beds licensed under this part.
- b. The number and characteristics of residents receiving such services.
- c. The types of services rendered that could not be provided through a standard license.
- d. An analysis of deficiencies cited during biennial inspections.
- e. The number of residents who required extended congregate care services at admission and the source of admission.
- f. Recommendations for statutory or regulatory changes.
- g. The availability of extended congregate care to state clients residing in facilities licensed under this part and in need of additional services, and recommendations for appropriations to subsidize extended congregate care services for such persons.
- h. Such other information as the department considers appropriate.

Section 103. Paragraphs (a) and (c) of subsection (1) and subsection (2) of section 400.4255, Florida Statutes, are amended to read:

400.4255 Use of personnel; emergency care.—

(1)(a) Persons under contract to the facility, facility staff, or volunteers, who are licensed according to *part I* of chapter 464, or those persons exempt under s. 464.022(1), and others as defined by rule, may administer medications to residents, take residents' vital signs, manage

individual weekly pill organizers for residents who self-administer medication, give prepackaged enemas ordered by a physician, observe residents, document observations on the appropriate resident's record, report observations to the resident's physician, and contract or allow residents or a resident's representative, designee, surrogate, guardian, or attorney in fact to contract with a third party, provided residents meet the criteria for appropriate placement as defined in s. 400.426. Nursing assistants certified pursuant to *part II of chapter 464 s. 400.211* may take residents' vital signs as directed by a licensed nurse or physician.

(c) In an emergency situation, licensed personnel may carry out their professional duties pursuant to *part I of chapter 464* until emergency medical personnel assume responsibility for care.

(2) In facilities licensed to provide extended congregate care, persons under contract to the facility, facility staff, or volunteers, who are licensed according to *part I of chapter 464*, or those persons exempt under s. 464.022(1), or those persons certified as nursing assistants pursuant to *part II of chapter 464 s. 400.211*, may also perform all duties within the scope of their license or certification, as approved by the facility administrator and pursuant to this part.

Section 104. Subsection (3) of section 400.426, Florida Statutes, is amended to read:

400.426 Appropriateness of placements; examinations of residents.—

(3) Persons licensed under *part I of chapter 464* who are employed by or under contract with a facility shall, on a routine basis or at least monthly, perform a nursing assessment of the residents for whom they are providing nursing services ordered by a physician, except administration of medication, and shall document such assessment, including any substantial changes in a resident's status which may necessitate relocation to a nursing home, hospital, or specialized health care facility. Such records shall be maintained in the facility for inspection by the agency and shall be forwarded to the resident's case manager, if applicable.

Section 105. Subsections (3) and (21) of section 400.462, Florida Statutes, are amended to read:

400.462 Definitions.—As used in this part, the term:

(3) "Certified nursing assistant" means any person who has been issued a certificate under *part II of chapter 464 s. 400.211*. The licensed home health agency or licensed nurse registry shall ensure that the certified nursing assistant employed by or under contract with the home health agency or licensed nurse registry is adequately trained to perform the tasks of a home health aide in the home setting.

(21) "Skilled care" means nursing services or therapeutic services delivered by a health care professional who is licensed under *part I of chapter 464*; part I, part III, or part V of chapter 468; or chapter 486 and who is employed by or under contract with a licensed home health agency or is referred by a licensed nurse registry.

Section 106. Paragraph (c) of subsection (6) of section 400.464, Florida Statutes, is amended to read:

400.464 Home health agencies to be licensed; expiration of license; exemptions; unlawful acts; penalties.—

(6) The following are exempt from the licensure requirements of this part:

(c) A health care professional, whether or not incorporated, who is licensed under chapter 457; chapter 458; chapter 459; *part I of chapter 464*; chapter 467; part I, part III, part V, or part X of chapter 468; chapter 480; chapter 486; chapter 490; or chapter 491; and who is acting alone within the scope of his or her professional license to provide care to patients in their homes.

Section 107. Paragraph (a) of subsection (10), subsection (11), and paragraph (a) of subsection (15) of section 400.506, Florida Statutes, are amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(10)(a) A nurse registry may refer for contract in private residences registered nurses and licensed practical nurses registered and licensed under *part I of chapter 464*, certified nursing assistants certified under *part II of chapter 464 s. 400.211*, home health aides who present documented proof of successful completion of the training required by rule of the agency, and companions or homemakers for the purposes of providing those services authorized under s. 400.509(1). Each person referred by a nurse registry must provide current documentation that he or she is free from communicable diseases.

(11) A person who is referred by a nurse registry for contract in private residences and who is not a nurse licensed under *part I of chapter 464* may perform only those services or care to clients that the person has been certified to perform or trained to perform as required by law or rules of the Agency for Health Care Administration or the Department of Business and Professional Regulation. Providing services beyond the scope authorized under this subsection constitutes the unauthorized practice of medicine or a violation of the Nurse Practice Act and is punishable as provided under chapter 458, chapter 459, or *part I of chapter 464*.

(15) All persons referred for contract in private residences by a nurse registry must comply with the following requirements for a plan of treatment:

(a) When, in accordance with the privileges and restrictions imposed upon a nurse under *part I of chapter 464*, the delivery of care to a patient is under the direction or supervision of a physician or when a physician is responsible for the medical care of the patient, a medical plan of treatment must be established for each patient receiving care or treatment provided by a licensed nurse in the home. The original medical plan of treatment must be timely signed by the physician and reviewed by him or her in consultation with the licensed nurse at least every 2 months. Any additional order or change in orders must be obtained from the physician and reduced to writing and timely signed by the physician. The delivery of care under a medical plan of treatment must be substantiated by the appropriate nursing notes or documentation made by the nurse in compliance with nursing practices established under *part I of chapter 464*.

Section 108. Subsection (1) of section 400.512, Florida Statutes, is amended to read:

400.512 Screening of home health agency personnel; nurse registry personnel; and companions and homemakers.—The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home health agency personnel; persons referred for employment by nurse registries; and persons employed by companion or homemaker services registered under s. 400.509.

(1)(a) The Agency for Health Care Administration may, upon request, grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07, except for health care practitioners licensed by the Department of Health or a regulatory board within that department.

(b) The appropriate regulatory board within the Department of Health, or that department itself when there is no board, may, upon request of the licensed health care practitioner, grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07.

Section 109. Subsections (2) and (3) of section 400.6105, Florida Statutes, are amended to read:

400.6105 Staffing and personnel.—

(2) Each hospice shall employ a full-time registered nurse licensed pursuant to *part I of chapter 464* who shall coordinate the implementation of the plan of care for each patient.

(3) A hospice shall employ a hospice care team or teams who shall participate in the establishment and ongoing review of the patient's plan of care, and be responsible for and supervise the delivery of hospice care and services to the patient. The team shall, at a minimum, consist of a physician licensed pursuant to chapter 458 or chapter 459, a nurse licensed pursuant to *part I of chapter 464*, a social worker, and a pastoral

or other counselor. The composition of the team may vary for each patient and, over time, for the same patient to ensure that all the patient's needs and preferences are met.

Section 110. Subsection (20) of section 401.23, Florida Statutes, is amended to read:

401.23 Definitions.—As used in this part, the term:

(20) "Registered nurse" means a practitioner who is licensed to practice professional nursing pursuant to *part I* of chapter 464.

Section 111. Paragraph (c) of subsection (1) of section 401.252, Florida Statutes, is amended to read:

401.252 Interfacility transfer.—

(1) A licensed basic or advanced life support ambulance service may conduct interfacility transfers in a permitted ambulance, using a registered nurse in place of an emergency medical technician or paramedic, if:

(c) The registered nurse operates within the scope of *part I* of chapter 464.

Section 112. Subsection (11) of section 408.706, Florida Statutes, is amended to read:

408.706 Community health purchasing alliances; accountable health partnerships.—

(11) The ability to recruit and retain alliance district health care providers in its provider network. For provider networks initially formed in an alliance district after July 1, 1993, an accountable health partnership shall make offers as to provider participation in its provider network to relevant alliance district health care providers for at least 60 percent of the available provider positions. A provider who is made an offer may participate in an accountable health partnership as long as the provider abides by the terms and conditions of the provider network contract, provides services at a rate or price equal to the rate or price negotiated by the accountable health partnership, and meets all of the accountable health partnership's qualifications for participation in its provider networks including, but not limited to, network adequacy criteria. For purposes of this subsection, "alliance district health care provider" means a health care provider who is licensed under chapter 458, chapter 459, chapter 460, chapter 461, *part I* of chapter 464, or chapter 465 who has practiced in Florida for more than 1 year within the alliance district served by the accountable health partnership.

Section 113. Paragraph (d) of subsection (12) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(12)

(d) Notwithstanding paragraph (b), reimbursement fees to physicians for providing total obstetrical services to Medicaid recipients, which include prenatal, delivery, and postpartum care, shall be at least \$1,500 per delivery for a pregnant woman with low medical risk and at least \$2,000 per delivery for a pregnant woman with high medical risk. However, reimbursement to physicians working in Regional Perinatal

Intensive Care Centers designated pursuant to chapter 383, for services to certain pregnant Medicaid recipients with a high medical risk, may be made according to obstetrical care and neonatal care groupings and rates established by the agency. Nurse midwives licensed under *part I* of chapter 464 or midwives licensed under chapter 467 shall be reimbursed at no less than 80 percent of the low medical risk fee. The agency shall by rule determine, for the purpose of this paragraph, what constitutes a high or low medical risk pregnant woman and shall not pay more based solely on the fact that a caesarean section was performed, rather than a vaginal delivery. The agency shall by rule determine a prorated payment for obstetrical services in cases where only part of the total prenatal, delivery, or postpartum care was performed. The Department of Health shall adopt rules for appropriate insurance coverage for midwives licensed under chapter 467. Prior to the issuance and renewal of an active license, or reactivation of an inactive license for midwives licensed under chapter 467, such licensees shall submit proof of coverage with each application.

Section 114. Subsection (1) of section 415.1085, Florida Statutes, is amended to read:

415.1085 Photographs, medical examinations, and X rays of abused or neglected aged persons or disabled adults.—

(1) Any person authorized by law to investigate cases of alleged abuse or neglect of an aged person or disabled adult may take or cause to be taken photographs of the areas of trauma visible on the aged person or disabled adult who is the subject of a report, and photographs of the surrounding environment, with the consent of the subject or guardian or guardians. If the areas of trauma visible on the aged person or disabled adult indicate a need for medical examination, or if the aged person or disabled adult verbally complains or otherwise exhibits distress as a result of injury through suspected adult abuse, neglect, or exploitation, or is alleged to have been sexually abused, the department may, with the consent of the subject or guardian or guardians, cause the aged person or disabled adult to be referred to a licensed physician or any emergency department in a hospital or health care facility for medical examinations and X rays, if deemed necessary by the examining physician. Such examinations may be performed by an advanced registered nurse practitioner licensed pursuant to *part I* of chapter 464. Medical examinations performed and X rays taken pursuant to this section shall be paid for by third-party reimbursement, if available, or by the subject or his or her guardian, if they are determined to be financially able to pay; or, if neither is available, the department shall pay the costs within available emergency services funds.

Section 115. Paragraph (a) of subsection (1) of section 455.597 Florida Statutes, is amended to read:

455.597 Requirement for instruction on domestic violence.—

(1)(a) The appropriate board shall require each person licensed or certified under chapter 458, chapter 459, *part I* of chapter 464, chapter 466, chapter 467, chapter 490, or chapter 491 to complete a 1-hour continuing education course, approved by the board, on domestic violence, as defined in s. 741.28, as part of biennial relicensure or recertification. The course shall consist of information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services.

Section 116. Subsection (1) of section 455.604, Florida Statutes, is amended to read:

455.604 Requirement for instruction for certain licensees on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The appropriate board shall require each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; *part I* of chapter 464; chapter 465; chapter 466; part II, part III, part V, or part X of chapter 468; or chapter 486 to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part

of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25.

Section 117. Paragraph (a) of subsection (2) of section 455.667, Florida Statutes, is amended to read:

455.667 Ownership and control of patient records; report or copies of records to be furnished.—

(2) As used in this section, the terms “records owner,” “health care practitioner,” and “health care practitioner’s employer” do not include any of the following persons or entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized under the confidentiality and disclosure requirements of this section to maintain those documents required by the part or chapter under which they are licensed or regulated:

(a) Certified nursing assistants regulated under *part II of chapter 464 s. 400.211*.

Section 118. Section 455.677, Florida Statutes, is amended to read:

455.677 Disposition of records of deceased practitioners or practitioners relocating or terminating practice.—Each board created under the provisions of chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, *part I of chapter 464*, chapter 465, chapter 466, *part I of chapter 484*, chapter 486, chapter 490, or chapter 491, and the department under the provisions of chapter 462, shall provide by rule for the disposition, under that chapter, of the medical records or records of a psychological nature of practitioners which are in existence at the time the practitioner dies, terminates practice, or relocates and is no longer available to patients and which records pertain to the practitioner’s patients. The rules shall provide that the records be retained for at least 2 years after the practitioner’s death, termination of practice, or relocation. In the case of the death of the practitioner, the rules shall provide for the disposition of such records by the estate of the practitioner.

Section 119. Paragraph (b) of subsection (2) of section 455.694, Florida Statutes, is amended to read:

455.694 Financial responsibility requirements for certain health care practitioners.—

(2) The board or department may grant exemptions upon application by practitioners meeting any of the following criteria:

(b) Any person whose license or certification has become inactive under chapter 457, chapter 460, chapter 461, *part I of chapter 464*, chapter 466, or chapter 467 and who is not practicing in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after October 1, 1993, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

Section 120. Subsection (2) of section 455.707, Florida Statutes, is amended to read:

455.707 Treatment programs for impaired practitioners.—

(2) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a licensee or recovered licensee under the jurisdiction of the Division of Medical Quality Assurance within the department, and at least one consultant must be a practitioner or recovered practitioner licensed under chapter 458, chapter 459, or *part I of chapter 464*. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with depart-

ment investigators to determine whether a practitioner is, in fact, impaired.

Section 121. Subsection (2) of section 458.348, Florida Statutes, is amended to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The joint committee created by s. 464.003(3)(c) shall determine minimum standards for the content of established protocols pursuant to which an advanced registered nurse practitioner may perform medical acts identified and approved by the joint committee pursuant to s. 464.003(3)(c) or acts set forth in s. 464.012(3) and (4) and shall determine minimum standards for supervision of such acts by the physician, unless the joint committee determines that any act set forth in s. 464.012(3) or (4) is not a medical act. Such standards shall be based on risk to the patient and acceptable standards of medical care and shall take into account the special problems of medically underserved areas. The standards developed by the joint committee shall be adopted as rules by the Board of Nursing and the Board of Medicine for purposes of carrying out their responsibilities pursuant to *part I of chapter 464* and this chapter, respectively, but neither board shall have disciplinary powers over the licensees of the other board.

Section 122. Section 464.001, Florida Statutes, is amended to read:

464.001 Short title.—This *part may be cited chapter shall be known* as the “Nurse Practice Act.”

Section 123. Section 464.002, Florida Statutes, is amended to read:

464.002 Purpose.—The sole legislative purpose in enacting this *part chapter* is to ensure that every nurse practicing in this state meets minimum requirements for safe practice. It is the legislative intent that nurses who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.

Section 124. Section 464.003, Florida Statutes, is amended to read:

464.003 Definitions.—As used in this *part chapter*:

(1) “Department” means the Department of Health.

(2) “Board” means the Board of Nursing ~~as created in this chapter~~.

(3)(a) “Practice of professional nursing” means the performance of those acts requiring substantial specialized knowledge, judgment, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

1. The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

2. The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

3. The supervision and teaching of other personnel in the theory and performance of any of the above acts.

(b) “Practice of practical nursing” means the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm and the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist.

The professional nurse and the practical nurse shall be responsible and accountable for making decisions that are based upon the individual’s educational preparation and experience in nursing.

(c) “Advanced or specialized nursing practice” means, in addition to the practice of professional nursing, the performance of advanced-level nursing acts approved by the board which, by virtue of postbasic specialized education, training, and experience, are proper to be performed by an advanced registered nurse practitioner. Within the context of advanced or specialized nursing practice, the advanced registered nurse

practitioner may perform acts of nursing diagnosis and nursing treatment of alterations of the health status. The advanced registered nurse practitioner may also perform acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee composed of three members appointed by the Board of Nursing, two of whom shall be advanced registered nurse practitioners; three members appointed by the Board of Medicine, two of whom shall have had work experience with advanced registered nurse practitioners; and the secretary of the department or the secretary's designee. Each committee member appointed by a board shall be appointed to a term of 4 years unless a shorter term is required to establish or maintain staggered terms. The Board of Nursing shall adopt rules authorizing the performance of any such acts approved by the joint committee. Unless otherwise specified by the joint committee, such acts shall be performed under the general supervision of a practitioner licensed under chapter 458, chapter 459, or chapter 466 within the framework of standing protocols which identify the medical acts to be performed and the conditions for their performance. The department may, by rule, require that a copy of the protocol be filed with the department along with the notice required by s. 458.348.

(d) "Nursing diagnosis" means the observation and evaluation of physical or mental conditions, behaviors, signs and symptoms of illness, and reactions to treatment and the determination as to whether such conditions, signs, symptoms, and reactions represent a deviation from normal.

(e) "Nursing treatment" means the establishment and implementation of a nursing regimen for the care and comfort of individuals, the prevention of illness, and the education, restoration, and maintenance of health.

(4) "Registered nurse" means any person licensed in this state to practice professional nursing.

(5) "Licensed practical nurse" means any person licensed in this state to practice practical nursing.

(6) "Advanced registered nurse practitioner" means any person licensed in this state to practice professional nursing and certified in advanced or specialized nursing practice.

(7) "Approved program" means a nursing program conducted in a school, college, or university which is approved by the board pursuant to s. 464.019 for the education of nurses.

Section 125. Section 464.006, Florida Statutes, is amended to read:

464.006 Authority to make rules.—The board of Nursing has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this *part chapter* conferring duties upon it.

Section 126. Subsection (3) of section 464.009, Florida Statutes, is amended to read:

464.009 Licensure by endorsement.—

(3) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this *part chapter* until such time as the investigation is complete, at which time the provisions of s. 464.018 shall apply.

Section 127. Paragraphs (a) and (d) of subsection (1) and paragraph (b) of subsection (2) of section 464.016, Florida Statutes, are amended to read:

464.016 Violations and penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing advanced or specialized, professional or practical nursing, as defined in this *part chapter*, unless holding an active license or certificate to do so.

(d) Obtaining or attempting to obtain a license or certificate under this *part chapter* by misleading statements or knowing misrepresentation.

(2) Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(b) Knowingly concealing information relating to violations of this *part chapter*.

Section 128. Paragraphs (i), (k), and (l) of subsection (1) and subsection (4) of section 464.018, Florida Statutes, are amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(i) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes authorized by this *part chapter*.

(k) Failing to report to the department any person who the licensee knows is in violation of this *part chapter* or of the rules of the department or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

(l) Knowingly violating any provision of this *part chapter*, a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

(4) The board shall not reinstate the license of a nurse who has been found guilty by the board on three separate occasions of violations of this *part chapter* relating to the use of drugs or narcotics, which offenses involved the diversion of drugs or narcotics from patients to personal use or sale.

Section 129. Subsections (1), (2), and (3) of section 464.019, Florida Statutes, are amended to read:

464.019 Approval of nursing programs.—

(1) An institution desiring to conduct an approved program for the education of professional or practical nurses shall apply to the department and submit such evidence as may be required to show that it complies with the provisions of this *part chapter* and with the rules of the board. The application shall include a program review fee, as set by the board, not to exceed \$1,000.

(2) The board shall adopt rules regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and clinical training as are necessary to ensure that approved programs graduate nurses capable of competent practice under this *part act*.

(3) The department shall survey each institution applying for approval and submit its findings to the board. If the board is satisfied that the program meets the requirements of this *part chapter* and rules pursuant thereto, it shall certify the program for approval and the department shall approve the program.

Section 130. Section 464.022, Florida Statutes, is amended to read:

464.022 Exceptions.—No provision of this *part chapter* shall be construed to prohibit:

(1) The care of the sick by friends or members of the family without compensation, the incidental care of the sick by domestic servants, or the incidental care of noninstitutionalized persons by a surrogate family.

(2) Assistance by anyone in the case of an emergency.

(3) The practice of nursing by students enrolled in approved schools of nursing.

(4) The practice of nursing by graduates of approved programs or the equivalent, pending the result of the first licensing examination for which they are eligible following graduation, provided they practice under direct supervision of a registered professional nurse. The board shall by rule define what constitutes direct supervision.

(5) The rendering of services by nursing assistants acting under the direct supervision of a registered professional nurse.

(6) Any nurse practicing in accordance with the practices and principles of the body known as the Church of Christ Scientist; nor shall any rule of the board apply to any sanitarium, nursing home, or rest home operated in accordance with the practices and principles of the body known as the Church of Christ Scientist.

(7) The practice of any legally qualified nurse or licensed attendant of another state who is employed by the United States Government, or any bureau, division, or agency thereof, while in the discharge of official duties.

(8) Any nurse currently licensed in another state from performing nursing services in this state for a period of 60 days after furnishing to the employer satisfactory evidence of current licensure in another state and having submitted proper application and fees to the board for licensure prior to employment. The board may extend this time for administrative purposes when necessary.

(9) The rendering of nursing services on a fee-for-service basis, or the reimbursement for nursing services directly to a nurse rendering such services by any government program, commercial insurance company, hospital or medical services plan, or any other third-party payor.

(10) The establishment of an independent practice by one or more nurses for the purpose of rendering to patients nursing services within the scope of the nursing license.

(11) The furnishing of hemodialysis treatments in a patient's home, using an assistant chosen by the patient, provided that the assistant is properly trained, as defined by the board by rule, and has immediate telephonic access to a registered nurse who is licensed pursuant to this *part chapter* and who has dialysis training and experience.

(12) The practice of nursing by any legally qualified nurse of another state whose employment requires the nurse to accompany and care for a patient temporarily residing in this state for not more than 30 consecutive days, provided the patient is not in an inpatient setting, the board is notified prior to arrival of the patient and nurse, the nurse has the standing physician orders and current medical status of the patient available, and prearrangements with the appropriate licensed health care providers in this state have been made in case the patient needs placement in an inpatient setting.

(13) The practice of nursing by individuals enrolled in board-approved remedial courses.

Section 131. Section 464.023, Florida Statutes, is amended to read:

464.023 Saving clauses.—

(1) No judicial or administrative proceeding pending on July 1, 1979, shall be abated as a result of the repeal and reenactment of this *part chapter*.

(2) Each licensee or holder of a certificate who was duly licensed or certified on June 30, 1979, shall be entitled to hold such license or certificate. Henceforth, such license or certificate shall be renewed in accordance with the provisions of this *part æt*.

Section 132. Subsection (3) of section 464.027, Florida Statutes, is amended to read:

464.027 Registered nurse first assistant.—

(3) QUALIFICATIONS.—A registered nurse first assistant is any person who:

(a) Is licensed as a registered nurse under this *part chapter*;

(b) Is certified in perioperative nursing; and

(c) Holds a certificate from, and has successfully completed, a recognized program.

Section 133. Subsection (6) of section 466.003, Florida Statutes, is amended to read:

466.003 Definitions.—As used in this chapter:

(6) "Dental assistant" means a person, other than a dental hygienist, who, under the supervision and authorization of a dentist, provides dental care services directly to a patient. This term shall not include a certified registered nurse anesthetist licensed under *part I of chapter 464*.

Section 134. Subsection (2) of section 467.003, Florida Statutes, is amended to read:

467.003 Definitions.—As used in this chapter, unless the context otherwise requires:

(2) "Certified nurse midwife" means a person who is licensed as an advanced registered nurse practitioner under *part I of chapter 464* and who is certified to practice midwifery by the American College of Nurse Midwives.

Section 135. Paragraph (a) of subsection (2) of section 467.0125, Florida Statutes, is amended to read:

467.0125 Licensure by endorsement.—

(2) The department may issue a temporary certificate to practice in areas of critical need to any midwife who is qualifying for licensure by endorsement under subsection (1), with the following restrictions:

(a) The Department of Health shall determine the areas of critical need, and the midwife so certified shall practice only in those specific areas, under the auspices of a physician licensed pursuant to chapter 458 or chapter 459, a certified nurse midwife licensed pursuant to *part I of chapter 464*, or a midwife licensed under this chapter, who has a minimum of 3 years' professional experience. Such areas shall include, but not be limited to, health professional shortage areas designated by the United States Department of Health and Human Services.

Section 136. Paragraph (e) of subsection (2) of section 467.203, Florida Statutes, is amended to read:

467.203 Disciplinary actions; penalties.—

(2) When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(e) Placement of the midwife on probation for such period of time and subject to such conditions as the department may specify, including requiring the midwife to submit to treatment; undertake further relevant education or training; take an examination; or work under the supervision of another licensed midwife, a physician, or a nurse midwife licensed under *part I of chapter 464*.

Section 137. Paragraph (a) of subsection (1) of section 468.505, Florida Statutes, is amended to read:

468.505 Exemptions; exceptions.—

(1) Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:

(a) A person licensed in this state under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, *part I of chapter 464*, chapter 465, chapter 466, chapter 480, chapter 490, or chapter 491, when engaging in the profession or occupation for which he or she is licensed, or of any person employed by and under the supervision of the licensee when rendering services within the scope of the profession or occupation of the licensee.

Section 138. Subsection (7) of section 483.041, Florida Statutes, is amended to read:

483.041 Definitions.—As used in this part, the term:

(7) "Licensed practitioner" means a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461; a dentist licensed under chapter 466; a person licensed under chapter 462; or an advanced registered nurse practitioner licensed under *part I of chapter 464*; or a duly licensed practitioner from another state licensed under similar statutes who orders examinations on materials or specimens for nonresidents of

the State of Florida, but who reside in the same state as the requesting licensed practitioner.

Section 139. Subsection (5) of section 483.801, Florida Statutes, is amended to read:

483.801 Exemptions.—This part applies to all clinical laboratories and clinical laboratory personnel within this state, except:

(5) Advanced registered nurse practitioners licensed under *part I* of chapter 464 who perform provider-performed microscopy procedures (PPMP) in an exclusive-use laboratory setting.

Section 140. Paragraph (a) of subsection (4) of section 491.0112, Florida Statutes, is amended to read:

491.0112 Sexual misconduct by a psychotherapist; penalties.—

(4) For the purposes of this section:

(a) The term “psychotherapist” means any person licensed pursuant to chapter 458, chapter 459, *part I* of chapter 464, chapter 490, or chapter 491, or any other person who provides or purports to provide treatment, diagnosis, assessment, evaluation, or counseling of mental or emotional illness, symptom, or condition.

Section 141. Subsection (5) of section 550.24055, Florida Statutes, is amended to read:

550.24055 Use of controlled substances or alcohol prohibited; testing of certain occupational licensees; penalty; evidence of test or action taken and admissibility for criminal prosecution limited.—

(5) This section does not apply to the possession and use of controlled or chemical substances that are prescribed as part of the care and treatment of a disease or injury by a practitioner licensed under chapter 458, chapter 459, *part I* of chapter 464, or chapter 466.

Section 142. Paragraph (h) of subsection (4) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(h) As used in this subsection:

1. “Health care provider” means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopathic physicians licensed under chapter 459; podiatric physicians licensed under chapter 461; dentists licensed under chapter 466; chiropractic physicians licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under *part I* of chapter 464; midwives licensed under chapter 467; clinical laboratories registered under chapter 483; physician assistants licensed under chapter 458 or chapter 459; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. “Other medical facility” means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing nonsurgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an “other medical facility.”

3. “Health care facility” means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 395, or other medical facility as defined in subparagraph 2.

Section 143. Paragraph (b) of subsection (1) of section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

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

(b) “Health care provider” means any:

1. Hospital licensed under chapter 395.
2. Physician licensed, or physician assistant licensed, under chapter 458.
3. Osteopathic physician or physician assistant licensed under chapter 459.
4. Podiatric physician licensed under chapter 461.
5. Health maintenance organization certificated under part I of chapter 641.
6. Ambulatory surgical center licensed under chapter 395.
7. Chiropractic physician licensed under chapter 460.
8. Psychologist licensed under chapter 490.
9. Optometrist licensed under chapter 463.
10. Dentist licensed under chapter 466.
11. Pharmacist licensed under chapter 465.
12. Registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under *part I* of chapter 464.
13. Other medical facility.
14. Professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9., 10., 11., and 12. for professional activity.

Section 144. Subsection (6) of section 627.9404, Florida Statutes, is amended to read:

627.9404 Definitions.—For the purposes of this part:

(6) “Licensed health care practitioner” means any physician, nurse licensed under *part I* of chapter 464, or psychotherapist licensed under chapter 490 or chapter 491, or any individual who meets any requirements prescribed by rule by the department.

Section 145. Subsection (21) of section 641.31, Florida Statutes, is amended to read:

641.31 Health maintenance contracts.—

(21) Notwithstanding any other provision of law, health maintenance policies or contracts which provide anesthesia coverage, benefits, or services shall offer to the subscriber, if requested and available, the services of a certified registered nurse anesthetist licensed pursuant to *part I* of chapter 464.

Section 146. Subsection (8) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

(8) No cause of action of any nature by a person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 463, *part I* of chapter 464, chapter 465, or chapter 466 shall arise against another person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 463, *part I* of chapter 464, chapter 465, or chapter 466 for furnishing information to a duly appointed medical review committee, to an internal risk management program established under s. 395.0197, to the Department of Business and Professional Regulation, or to the appropriate regulatory board if the information furnished concerns patient care at a facility licensed pursuant to part I of chapter 395 where both persons provide health care services, if the information is not intentionally fraudulent, and if the information is within the scope of the functions of the committee, department, or board. However, if such information is otherwise

available from original sources, it is not immune from discovery or use in a civil action merely because it was presented during a proceeding of the committee, department, or board.

Section 147. Subsection (2) of section 766.110, Florida Statutes, is amended to read:

766.110 Liability of health care facilities.—

(2) Every hospital licensed under chapter 395 may carry liability insurance or adequately insure itself in an amount of not less than \$1.5 million per claim, \$5 million annual aggregate to cover all medical injuries to patients resulting from negligent acts or omissions on the part of those members of its medical staff who are covered thereby in furtherance of the requirements of ss. 458.320 and 459.0085. Self-insurance coverage extended hereunder to a member of a hospital's medical staff meets the financial responsibility requirements of ss. 458.320 and 459.0085 if the physician's coverage limits are not less than the minimum limits established in ss. 458.320 and 459.0085 and the hospital is a verified trauma center as of July 1, 1990, that has extended self-insurance coverage continuously to members of its medical staff for activities both inside and outside of the hospital since January 1, 1987. Any insurer authorized to write casualty insurance may make available, but shall not be required to write, such coverage. The hospital may assess on an equitable and pro rata basis the following professional health care providers for a portion of the total hospital insurance cost for this coverage: physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, podiatric physicians licensed under chapter 461, dentists licensed under chapter 466, and nurses licensed under *part I* of chapter 464. The hospital may provide for a deductible amount to be applied against any individual health care provider found liable in a law suit in tort or for breach of contract. The legislative intent in providing for the deductible to be applied to individual health care providers found negligent or in breach of contract is to instill in each individual health care provider the incentive to avoid the risk of injury to the fullest extent and ensure that the citizens of this state receive the highest quality health care obtainable.

Section 148. Paragraph (d) of subsection (3) of section 766.1115, Florida Statutes, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

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

(d) "Health care provider" or "provider" means:

1. A birth center licensed under chapter 383.
2. An ambulatory surgical center licensed under chapter 395.
3. A hospital licensed under chapter 395.
4. A physician or physician assistant licensed under chapter 458.
5. An osteopathic physician or osteopathic physician assistant licensed under chapter 459.
6. A chiropractic physician licensed under chapter 460.
7. A podiatric physician licensed under chapter 461.
8. A registered nurse, nurse midwife, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under *part I* of chapter 464 or any facility which employs nurses licensed or registered under *part I* of chapter 464 to supply all or part of the care delivered under this section.
9. A midwife licensed under chapter 467.
10. A health maintenance organization certificated under *part I* of chapter 641.
11. A health care professional association and its employees or a corporate medical group and its employees.
12. Any other medical facility the primary purpose of which is to deliver human medical diagnostic services or which delivers nonsurgical

human medical treatment, and which includes an office maintained by a provider.

13. A dentist or dental hygienist licensed under chapter 466.

14. Any other health care professional, practitioner, provider, or facility under contract with a governmental contractor.

The term includes any nonprofit corporation qualified as exempt from federal income taxation under s. 501(c) of the Internal Revenue Code which delivers health care services provided by licensed professionals listed in this paragraph, any federally funded community health center, and any volunteer corporation or volunteer health care provider that delivers health care services.

Section 149. Subsection (1) of section 877.111, Florida Statutes, is amended to read:

877.111 Inhalation, ingestion, possession, sale, purchase, or transfer of harmful chemical substances; penalties.—

(1) It is unlawful for any person to inhale or ingest, or to possess with intent to breathe, inhale, or drink, any compound, liquid, or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, ethylene glycol monomethyl ether acetate, cyclohexanone, nitrous oxide, diethyl ether, alkyl nitrites (butyl nitrite), or any similar substance for the purpose of inducing a condition of intoxication or which distorts or disturbs the auditory, visual, or mental processes. This section does not apply to the possession and use of these substances as part of the care or treatment of a disease or injury by a practitioner licensed under chapter 458, chapter 459, *part I* of chapter 464, or chapter 466 or to beverages controlled by the provisions of chapter 561, chapter 562, chapter 563, chapter 564, or chapter 565.

Section 150. Subsection (6) of section 945.602, Florida Statutes, is amended to read:

945.602 State of Florida Correctional Medical Authority; creation; members.—

(6) At least one member of the authority must be a nurse licensed under *part I* of chapter 464 and have at least 5 years' experience in the practice of nursing.

Section 151. Subsection (2) of section 960.28, Florida Statutes, is amended to read:

960.28 Payment for victims' initial forensic physical examinations.—

(2) The Crime Victims' Services Office of the department shall pay for medical expenses connected with an initial forensic physical examination of a victim who reports a violation of chapter 794 or chapter 800 to a law enforcement officer. Such payment shall be made regardless of whether or not the victim is covered by health or disability insurance. The payment shall be made only out of moneys allocated to the Crime Victims' Services Office for the purposes of this section, and the payment may not exceed \$250 with respect to any violation. Payment may not be made for an initial forensic physical examination unless the law enforcement officer certifies in writing that the initial forensic physical examination is needed to aid in the investigation of an alleged sexual offense and that the claimant is the alleged victim of the offense. The department shall develop and maintain separate protocols for the initial forensic physical examination of adults and children. Payment under this section is limited to medical expenses connected with the initial forensic physical examination, and payment may be made to a medical provider using an examiner qualified under *part I* of chapter 464, excluding s. 464.003(5); chapter 458; or chapter 459. Payment made to the medical provider by the department shall be considered by the provider as payment in full for the initial forensic physical examination associated with the collection of evidence. The victim may not be required to pay, directly or indirectly, the cost of an initial forensic physical examination performed in accordance with this section.

Section 152. Subsection (36) of section 984.03, Florida Statutes, is amended to read:

984.03 Definitions.—When used in this chapter, the term:

(36) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under *part I of* chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

Section 153. Subsection (37) of section 985.03, Florida Statutes, is amended to read:

985.03 Definitions.—When used in this chapter, the term:

(37) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under *part I of* chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

Section 154. Section 455.557, Florida Statutes, is amended to read:

455.557 Standardized credentialing for health care practitioners.—

(1) INTENT.—The Legislature recognizes that an efficient and effective health care practitioner credentialing program helps to ensure access to quality health care and also recognizes that health care practitioner credentialing activities have increased significantly as a result of health care reform and recent changes in health care delivery and reimbursement systems. Moreover, the resulting duplication of health care practitioner credentialing activities is unnecessarily costly and cumbersome for both the practitioner and the entity granting practice privileges. Therefore, it is the intent of this section that a credentials collection program be established which provides that, once a health care practitioner's core credentials data are collected, they need not be collected again, except for corrections, updates, and modifications thereto. Participation under this section shall ~~initially~~ include those individuals licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter 461, *or s. 464.012*. However, the department shall, with the approval of the applicable board, include other professions under the jurisdiction of the Division of Medical Quality Assurance in this program, provided they meet the requirements of *s. 455.565 or s. 455.56503*.

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

~~(a) "Advisory council" or "council" means the Credentials Advisory Council.~~

~~(a)(b)~~ "Certified" or "accredited," as applicable, means approved by a quality assessment program, from the National Committee for Quality Assurance, the Joint Commission on Accreditation of Healthcare Organizations, the American Accreditation HealthCare Commission/URAC, or any such other nationally recognized and accepted organization authorized by the department, used to assess and certify any credentials verification program, entity, or organization that verifies the credentials of any health care practitioner.

~~(b)(c)~~ "Core credentials data" means the following data: current name, any former name, and any alias, any professional education, professional training, licensure, current Drug Enforcement Administration certification, social security number, specialty board certification, Educational Commission for Foreign Medical Graduates certification, hospital or other institutional affiliations, evidence of professional liability coverage or evidence of financial responsibility as required by *s. 458.320, or s. 459.0085, or s. 455.694*, history of claims, suits, judgments, or settlements, final disciplinary action reported pursuant to *s. 455.565(1)(a)8. or s. 455.56503(1)(a)8.*, and Medicare or Medicaid sanctions.

~~(c)(d)~~ "Credential" or "credentialing" means the process of assessing and verifying the qualifications of a licensed health care practitioner or applicant for licensure as a health care practitioner.

~~(d)(e)~~ "Credentials verification organization" means any organization certified or accredited as a credentials verification organization.

~~(e)(f)~~ "Department" means the Department of Health, Division of Medical Quality Assurance.

~~(f)(g)~~ "Designated credentials verification organization" means the credentials verification organization which is selected by the health care practitioner, if the health care practitioner chooses to make such a designation.

~~(g)(h)~~ "Drug Enforcement Administration certification" means certification issued by the Drug Enforcement Administration for purposes of administration or prescription of controlled substances. Submission of such certification under this section must include evidence that the certification is current and must also include all current addresses to which the certificate is issued.

~~(h)(i)~~ "Health care entity" means:

1. Any health care facility or other health care organization licensed or certified to provide approved medical and allied health services in this state;
2. Any entity licensed by the Department of Insurance as a prepaid health care plan or health maintenance organization or as an insurer to provide coverage for health care services through a network of providers; or
3. Any accredited medical school in this state.

~~(i)(j)~~ "Health care practitioner" means any person licensed, or, for credentialing purposes only, any person applying for licensure, under chapter 458, chapter 459, chapter 460, ~~or~~ chapter 461, *or s. 464.012* or any person licensed or applying for licensure under a chapter subsequently made subject to this section by the department with the approval of the applicable board, except a person registered or applying for registration pursuant to *s. 458.345 or s. 459.021*.

~~(j)(k)~~ "Hospital or other institutional affiliations" means each hospital or other institution for which the health care practitioner or applicant has provided medical services. Submission of such information under this section must include, for each hospital or other institution, the name and address of the hospital or institution, the staff status of the health care practitioner or applicant at that hospital or institution, and the dates of affiliation with that hospital or institution.

~~(k)(l)~~ "National accrediting organization" means an organization that awards accreditation or certification to hospitals, managed care organizations, credentials verification organizations, or other health care organizations, including, but not limited to, the Joint Commission on Accreditation of Healthcare Organizations, the American Accreditation HealthCare Commission/URAC, and the National Committee for Quality Assurance.

~~(l)(m)~~ "Professional training" means any internship, residency, or fellowship relating to the profession for which the health care practitioner is licensed or seeking licensure.

~~(m)(n)~~ "Specialty board certification" means certification in a specialty issued by a specialty board recognized by the board in this state that regulates the profession for which the health care practitioner is licensed or seeking licensure.

(3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.—

(a) Every health care practitioner shall:

1. Report all core credentials data to the department which is not already on file with the department, either by designating a credentials verification organization to submit the data or by submitting the data directly.
2. Notify the department within 45 days of any corrections, updates, or modifications to the core credentials data either through his or her designated credentials verification organization or by submitting the data directly. Corrections, updates, and modifications to the core credentials data provided the department under this section shall comply with the updating requirements of *s. 455.565(3) or s. 455.56503(3)* related to profiling.

(b) The department shall:

1. Maintain a complete, current file of core credentials data on each health care practitioner, which shall include all updates provided in accordance with subparagraph (a)2.
2. Release the core credentials data that is otherwise confidential or exempt from the provisions of chapter 119 and *s. 24(a), Art. I of the State*

Constitution and any corrections, updates, and modifications thereto, if authorized by the health care practitioner.

3. Charge a fee to access the core credentials data, which may not exceed the actual cost, including prorated setup and operating costs, pursuant to the requirements of chapter 119. ~~The actual cost shall be set in consultation with the advisory council.~~

4. ~~Develop, in consultation with the advisory council,~~ standardized forms to be used by the health care practitioner or designated credentials verification organization for the initial reporting of core credentials data, for the health care practitioner to authorize the release of core credentials data, and for the subsequent reporting of corrections, updates, and modifications thereto.

5. ~~Establish a Credentials Advisory Council, consisting of 13 members, to assist the department as provided in this section. The secretary, or his or her designee, shall serve as one member and chair of the council and shall appoint the remaining 12 members. Except for any initial lesser term required to achieve staggering, such appointments shall be for 4-year staggered terms, with one 4-year reappointment, as applicable. Three members shall represent hospitals, and two members shall represent health maintenance organizations. One member shall represent health insurance entities. One member shall represent the credentials verification industry. Two members shall represent physicians licensed under chapter 458. One member shall represent osteopathic physicians licensed under chapter 459. One member shall represent chiropractic physicians licensed under chapter 460. One member shall represent podiatric physicians licensed under chapter 461.~~

(c) A registered credentials verification organization may be designated by a health care practitioner to assist the health care practitioner to comply with the requirements of subparagraph (a)2. A designated credentials verification organization shall:

1. Timely comply with the requirements of subparagraph (a)2., pursuant to rules adopted by the department.

2. Not provide the health care practitioner's core data, including all corrections, updates, and modifications, without the authorization of the practitioner.

(d) This section shall not be construed to restrict in any way the authority of the health care entity to credential and to approve or deny an application for hospital staff membership, clinical privileges, or managed care network participation.

(4) DUPLICATION OF DATA PROHIBITED.—

(a) A health care entity or credentials verification organization is prohibited from collecting or attempting to collect duplicate core credentials data from any health care practitioner if the information is available from the department. This section shall not be construed to restrict the right of any health care entity or credentials verification organization to collect additional information from the health care practitioner which is not included in the core credentials data file. This section shall not be construed to prohibit a health care entity or credentials verification organization from obtaining all necessary attestation and release form signatures and dates.

(b) Effective July 1, 2002, a state agency in this state which credentials health care practitioners may not collect or attempt to collect duplicate core credentials data from any individual health care practitioner if the information is already available from the department. This section shall not be construed to restrict the right of any such state agency to request additional information not included in the core credential data file, but which is deemed necessary for the agency's specific credentialing purposes.

(5) STANDARDS AND REGISTRATION.—Any credentials verification organization that does business in this state must be fully accredited or certified as a credentials verification organization by a national accrediting organization as specified in paragraph (2)(a)(b) and must register with the department. The department may charge a reasonable registration fee, ~~set in consultation with the advisory council,~~ not to exceed an amount sufficient to cover its actual expenses in providing and enforcing such registration. The department shall establish by rule for biennial renewal of such registration. Failure by a registered credentials verification organization to maintain full accreditation or certification,

to provide data as authorized by the health care practitioner, to report to the department changes, updates, and modifications to a health care practitioner's records within the time period specified in subparagraph (3)(a)2., or to comply with the prohibition against collection of duplicate core credentials data from a practitioner may result in denial of an application for renewal of registration or in revocation or suspension of a registration.

(6) LIABILITY.—No civil, criminal, or administrative action may be instituted, and there shall be no liability, against any registered credentials verification organization or health care entity on account of its reliance on any data obtained directly from the department.

(7) LIABILITY INSURANCE REQUIREMENTS.—Each credentials verification organization doing business in this state shall maintain liability insurance appropriate to meet the certification or accreditation requirements established in this section.

(8) RULES.—The department, ~~in consultation with the advisory council,~~ shall adopt rules necessary to develop and implement the standardized core credentials data collection program established by this section.

~~(9) COUNCIL ABOLISHED; DEPARTMENT AUTHORITY.—The council shall be abolished October 1, 1999. After the council is abolished, all duties of the department required under this section to be in consultation with the council may be carried out by the department on its own.~~

Section 155. Section 455.56503, Florida Statutes, is created to read:

*455.56503 Advanced registered nurse practitioners; information required for certification.—*

*(1)(a) Each person who applies for initial certification under s. 464.012 must, at the time of application, and each person certified under s. 464.012 who applies for certification renewal must, in conjunction with the renewal of such certification and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:*

*1. The name of each school or training program that the applicant has attended, with the months and years of attendance and the month and year of graduation, and a description of all graduate professional education completed by the applicant, excluding any coursework taken to satisfy continuing education requirements.*

*2. The name of each location at which the applicant practices.*

*3. The address at which the applicant will primarily conduct his or her practice.*

*4. Any certification or designation that the applicant has received from a specialty or certification board that is recognized or approved by the regulatory board or department to which the applicant is applying.*

*5. The year that the applicant received initial certification and began practicing the profession in any jurisdiction and the year that the applicant received initial certification in this state.*

*6. Any appointment which the applicant currently holds to the faculty of a school related to the profession and an indication as to whether the applicant has had the responsibility for graduate education within the most recent 10 years.*

*7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, within 15 days after the disposition of the appeal, submit to the department a copy of the final written order of disposition.*

*8. A description of any final disciplinary action taken within the previous 10 years against the applicant by a licensing or regulatory body*

in any jurisdiction, by a specialty board that is recognized by the board or department, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.

(b) In addition to the information required under paragraph (a), each applicant for initial certification or certification renewal must provide the information required of licensees pursuant to s. 455.697.

(2) The Department of Health shall send a notice to each person certified under s. 464.012 at the certificateholder's last known address of record regarding the requirements for information to be submitted by advanced registered nurse practitioners pursuant to this section in conjunction with the renewal of such certificate.

(3) Each person certified under s. 464.012 who has submitted information pursuant to subsection (1) must update that information in writing by notifying the Department of Health within 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under chapter 464 and s. 455.624(1)(k). For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may:

(a) Refuse to issue a certificate to any person applying for initial certification who fails to submit and update the required information.

(b) Issue a citation to any certificateholder who fails to submit and update the required information and may fine the certificateholder up to \$50 for each day that the certificateholder is not in compliance with this subsection. The citation must clearly state that the certificateholder may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the certificateholder disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the certificateholder does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the certificateholder's last known address.

(4)(a) An applicant for initial certification under s. 464.012 must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for a national criminal history check of the applicant.

(b) An applicant for renewed certification who has not previously submitted a set of fingerprints to the Department of Health for purposes of certification must submit a set of fingerprints to the department as a condition of the initial renewal of his or her certificate after the effective date of this section. The applicant must submit the fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for a national criminal history check. For subsequent renewals, the applicant for renewed certification must only submit information necessary to conduct a statewide criminal history check, along with payment in an amount equal to the costs incurred by the Department of Health for a statewide criminal history check.

(c)1. The Department of Health shall submit the fingerprints provided by an applicant for initial certification to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant.

2. The department shall submit the fingerprints provided by an applicant for the initial renewal of certification to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the

Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's certificate after the effective date of this section.

3. For any subsequent renewal of the applicant's certificate, the department shall submit the required information for a statewide criminal history check of the applicant to the Florida Department of Law Enforcement.

(d) Any applicant for initial certification or renewal of certification as an advanced registered nurse practitioner who submits to the Department of Health a set of fingerprints and information required for the criminal history check required under this section shall not be required to provide a subsequent set of fingerprints or other duplicate information required for a criminal history check to the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services for employment or licensure with such agency or department, if the applicant has undergone a criminal history check as a condition of initial certification or renewal of certification as an advanced registered nurse practitioner with the Department of Health, notwithstanding any other provision of law to the contrary. In lieu of such duplicate submission, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Children and Family Services shall obtain criminal history information for employment or licensure of persons certified under s. 464.012 by such agency or department from the Department of Health's health care practitioner credentialing system.

(5) Each person who is required to submit information pursuant to this section may submit additional information to the Department of Health. Such information may include, but is not limited to:

(a) Information regarding publications in peer-reviewed professional literature within the previous 10 years.

(b) Information regarding professional or community service activities or awards.

(c) Languages, other than English, used by the applicant to communicate with patients or clients and identification of any translating service that may be available at the place where the applicant primarily conducts his or her practice.

(d) An indication of whether the person participates in the Medicaid program.

Section 156. Section 455.5651, Florida Statutes, is amended to read:  
455.5651 Practitioner profile; creation.—

(1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to s. 455.565 into a practitioner profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under s. 455.565(4)(b). Beginning July 1, 2001, the Department of Health may compile the information submitted pursuant to s. 455.56503 into a practitioner profile of the applicant submitting the information.

(2) On the profile published required under subsection (1), the department shall indicate if the information provided under s. 455.565(1)(a)7. or s. 455.56503(1)(a)7. is not corroborated by a criminal history check conducted according to this subsection. If the information provided under s. 455.565(1)(a)7. or s. 455.56503(1)(a)7. is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. *The department shall include, with respect to practitioners subject to s. 455.694, a statement of how the practitioner has elected to comply with the financial responsibility requirements of that section.* The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, information relating to liability actions which has been reported under s. 455.697 or s. 627.912 within the previous 10 years for any paid claim that exceeds \$5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other ~~practitioners~~ physicians within the same specialty, *or profession if the practitioner is not a specialist*, to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the ~~practitioner~~ physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may not include disciplinary action taken by a licensed hospital or an ambulatory surgical center in the practitioner profile.

(6) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with the board having regulatory authority over the practitioner before such information is included in his or her profile.

(7) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution.

(8) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under s. 120.57 may be sought.

Section 157. Section 455.5653, Florida Statutes, is amended to read:

455.5653 Practitioner profiles; data storage.—Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. ~~The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public.~~ The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119 and s. 24(a), Art. I of the State Constitution, so that the Department of Health may corroborate any information that ~~practitioners~~ physicians are required to report under s. 455.565 or s. 455.56503.

Section 158. Section 455.5654, Florida Statutes, is amended to read:

455.5654 Practitioner profiles; rules; workshops.—Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, must hold public

workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under s. 455.565 or s. 455.56503.

Section 159. *Subsection (20) of section 400.462, Florida Statutes, is repealed.*

Section 160. Paragraph (d) of subsection (4) of section 400.471, Florida Statutes, is amended to read:

400.471 Application for license; fee; provisional license; temporary permit.—

(4) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse registry background check *through the agency* and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the licensee upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 161. Subsection (3) is added to section 400.484, Florida Statutes, to read:

400.484 Right of inspection; deficiencies; fines.—

(3) *In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation that results in a successful prosecution, excluding costs associated with an attorney's time.*

Section 162. Section 400.487, Florida Statutes, is amended to read:

400.487 *Home health service agreements; physician's treatment orders; patient assessment; establishment and review of plan of care; provision of services; orders not to resuscitate.—*

(1) *Services provided by a home health agency must be covered by an agreement between the home health agency and the patient or the patient's legal representative specifying the home health services to be provided, the rates or charges for services paid with private funds, and the method of payment. A home health agency providing skilled care must make an assessment of the patient's needs within 48 hours after the start of services.*

(2) *When required by the provisions of chapter 464, part I, part III, or part V of chapter 468, or chapter 486, the attending physician for a patient who is to receive skilled care must establish treatment orders. The treatment orders must be signed by the physician within 30 24 days after the start of care and must be reviewed, as at least every 62 days or more frequently as if the patient's illness requires, by the physician in consultation with home health agency personnel that provide services to the patient.*

(3) *A home health agency shall arrange for supervisory visits by a registered nurse to the home of a patient receiving home health aide services in accordance with the patient's direction and approval. If a client is accepted for home health aide services or homemaker or companion services and such services do not require a physician's order, the home health agency shall establish a service provision plan and maintain a record of the services provided.*

(4) Each patient ~~or client~~ has the right to be informed of and to participate in the planning of his or her care. Each patient must be provided, upon request, a copy of the plan of care ~~or service provision~~

plan established and maintained for that patient or client by the home health agency.

(5) When nursing services are ordered, the home health agency to which a patient has been admitted for care must provide the initial admission visit, all service evaluation visits, and the discharge visit by qualified personnel who are on the payroll of, and to whom an IRS payroll form W-2 will be issued by, the home health agency. Services provided by others under contractual arrangements to a home health agency must be monitored and managed by the admitting home health agency. The admitting home health agency is fully responsible for ensuring that all care provided through its employees or contract staff is delivered in accordance with this part and applicable rules.

(6) The skilled care services provided by a home health agency, directly or under contract, must be supervised and coordinated in accordance with the plan of care.

(7) Home health agency personnel may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. The agency shall adopt rules providing for the implementation of such orders. Home health personnel and agencies shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and rules adopted by the agency.

Section 163. Section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(1) ~~The home health aide competency test and home health aide training. The qualifications, minimum training requirements, and supervision requirements of all home health agency personnel.~~ The agency shall create the home health aide competency test and establish the curriculum and instructor qualifications for home health aide training. Licensed home health agencies may provide this training and shall furnish documentation of such training to other licensed home health agencies upon request. *Successful passage of the competency test by home health aides may be substituted for the training required under this section and any rule adopted pursuant thereto.*

(2) *Shared staffing.* The agency shall allow shared staffing if the home health agency is part of a retirement community that provides multiple levels of care, is located on one campus, is licensed under this chapter, and otherwise meets the requirements of law and rule.

~~(2) Requirements for prospective employees. A home health agency must require prospective employees and contractors to submit an employment or contractual history, and it must verify the employment or contractual history unless through diligent efforts such verification is not possible. The agency shall prescribe by rule the minimum requirements for establishing that diligent efforts have been made. There is no monetary liability on the part of, and no cause of action for damages arising against, a former employer of a prospective employee or of prospective independent contractor with a licensed home health agency who reasonably and in good faith communicates his or her honest opinions about the former employee's job performance. This subsection does not affect the official immunity of an officer or employee of a public corporation.~~

(3) *The criteria for the frequency of onsite licensure surveys.*

(4)(3) Licensure application and renewal.

(5)(4) ~~The administration of the home health agency, including requirements for onsite and electronic accessibility of supervisory personnel of home health agencies.~~

~~(5) Procedures for administering drugs and biologicals.~~

(6) *Information to be included in Procedures for maintaining patients' records.*

~~(7) Ensuring that home health services are provided in accordance with the treatment orders established for each patient for whom physician orders are required.~~

(7)(8) Geographic service areas.

~~(9) Standards for contractual arrangements for the provision of home health services by providers not employed by the home health agency to whom the patient has been admitted.~~

Section 164. Paragraph (d) of subsection (2) and subsection (13) of section 400.506, Florida Statutes, are amended, subsection (17) is renumbered as subsection (18), and a new subsection (17) is added to said section, to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(2) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse registry background check *through the agency* and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(13) Each nurse registry must comply with the procedures set forth in s. 400.512 ~~400.497(3)~~ for maintaining records of the employment history of all persons referred for contract and is subject to the standards and conditions set forth in *that section s. 400.512*. However, an initial screening may not be required for persons who have been continuously registered with the nurse registry since September 30, 1990.

*(17) In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation that results in a successful prosecution, excluding costs associated with an attorney's time. If the agency imposes such an assessment and the assessment is not paid, and if challenged is not the subject of a pending appeal, prior to the renewal of the license, the license shall not be issued until the assessment is paid or arrangements for payment of the assessment are made.*

Section 165. Paragraph (d) of subsection (4) of section 400.509, Florida Statutes, is amended, subsection (14) is renumbered as subsection (15), and a new subsection (14) is added to said section, to read:

400.509 Registration of particular service providers exempt from licensure; certificate of registration; regulation of registrants.—

(4) Each applicant for registration must comply with the following requirements:

(d) A provisional registration may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse-registry background check *through the agency* and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard registration may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and if a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(14) *In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation that results in a successful prosecution, excluding costs associated with an attorney's time. If the agency imposes such an assessment and the assessment is not paid, and if challenged is not the subject of a pending appeal, prior to the renewal of the registration, the registration shall not be issued until the assessment is paid or arrangements for payment of the assessment are made.*

Section 166. Section 400.512, Florida Statutes, is amended to read:

400.512 Screening of home health agency personnel; nurse registry personnel; and companions and homemakers.—The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home health agency personnel; persons referred for employment by nurse registries; and persons employed by companion or homemaker services registered under s. 400.509.

(1) The agency may grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07.

(2) The administrator of each home health agency, the managing employee of each nurse registry, and the managing employee of each companion or homemaker service registered under s. 400.509 must sign an affidavit annually, under penalty of perjury, stating that all personnel hired, contracted with, or registered on or after October 1, 1994, who enter the home of a patient or client in their service capacity have been screened and that its remaining personnel have worked for the home health agency or registrant continuously since before October 1, 1994.

(3) As a prerequisite to operating as a home health agency, nurse registry, or companion or homemaker service under s. 400.509, the administrator or managing employee, respectively, must submit to the agency his or her name and any other information necessary to conduct a complete screening according to this section. The agency shall submit the information to the Department of Law Enforcement and *shall conduct a search for any report of confirmed abuse the department's abuse hotline for state processing.* The agency shall review the record of the administrator or manager with respect to the offenses specified in this section and shall notify the owner of its findings. If disposition information is missing on a criminal record, the administrator or manager, upon request of the agency, must obtain and supply within 30 days the missing disposition information to the agency. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information will result in automatic disqualification.

(4) Proof of compliance with the screening requirements of chapter 435 shall be accepted in lieu of the requirements of this section if the person has been continuously employed or registered without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened through the *agency for any reports of confirmed abuse central abuse registry and tracking system of the department and for any criminal record from by the Department of Law Enforcement.* A home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 shall directly provide proof of compliance to another home health agency, nurse registry, or companion or homemaker service registered under s. 400.509. The recipient home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 may not accept any proof of compliance directly from the person who requires screening. Proof of compliance with the screening requirements of this section shall be provided upon request to the person screened by the home health agencies; nurse registries; or companion or homemaker services registered under s. 400.509.

(5)(a) There is no monetary liability on the part of, and no cause of action for damages arises against, a licensed home health agency, licensed nurse registry, or companion or homemaker service registered under s. 400.509, that, upon notice of a confirmed report of adult abuse, neglect, or exploitation *through the agency,* terminates the employee or contractor against whom the report was issued, whether or not the employee or contractor has filed for an exemption with the agency in accordance with chapter 435 and whether or not the time for filing has expired.

(b) *If a home health agency is asked about a person who was employed by or contracted with that agency, there is no monetary liability on the part of, and no cause of action for damages arising against, a*

*former employer of the person for that agency, who reasonably and in good faith communicates his or her honest opinions about the former caregiver's job performance. This paragraph does not affect the official immunity of an officer or employee of a public corporation.*

(6) The costs of processing the statewide correspondence criminal records checks ~~and the search of the department's central abuse hotline~~ must be borne by the home health agency; the nurse registry; or the companion or homemaker service registered under s. 400.509, or by the person being screened, at the discretion of the home health agency, nurse registry, or s. 400.509 registrant.

(7)(a) It is a misdemeanor of the first degree, punishable under s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications to be an employee under this section;

2. Operate or attempt to operate an entity licensed or registered under this part with persons who do not meet the minimum standards for good moral character as contained in this section; or

3. Use information from the criminal records or *the agency's reports of confirmed abuse central abuse hotline* obtained under this section for any purpose other than screening that person for employment as specified in this section or release such information to any other person for any purpose other than screening for employment under this section.

(b) It is a felony of the third degree, punishable under s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of a person obtained under this section for any purpose other than screening for employment under this section.

Section 167. Subsection (5) of section 455.587, Florida Statutes, is amended to read:

455.587 Fees; receipts; disposition.—

(5) All moneys collected by the department from fees or fines or from costs awarded to the agency by a court shall be paid into a trust fund used by the department to implement this part. The Legislature shall appropriate funds from this trust fund sufficient to carry out this part and the provisions of law with respect to professions regulated by the Division of Medical Quality Assurance within the department and the boards. The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The department shall maintain separate accounts in the trust fund used by the department to implement this part for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses include, but are not limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. *The regulation by the department of professions, as defined in this part, shall be financed solely from revenue collected by it from fees and other charges and deposited in the Medical Quality Assurance Trust Fund, and all such revenue is hereby appropriated to the department. However, it is legislative intent that each profession shall operate within its anticipated fees.* The department may not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession, *except that the Board of Nursing must pay for any costs incurred in the regulation of certified nursing assistants.* The department shall maintain adequate records to support its allocation of agency expenses. The department shall provide any board with reasonable access to these records upon request. The department shall provide each board an annual report of revenue and direct and allocated expenses related to the operation of that profession. The board shall use these reports and the department's adopted long-range plan to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared under s. 455.644.

Section 168. *There is appropriated from the Medical Quality Assurance Trust Fund to the Department of Health the sum of \$280,000 to implement the provisions of this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 150, line 31, after the semicolon (;) insert: amending part XV of chapter 468, F.S., relating to certified nursing assistants, and transferring that part to chapter 464, F.S., relating to nursing, to transfer from the Department of Health to the Board of Nursing responsibility and rulemaking authority for regulation of certified nursing assistants; changing requirements for nursing assistants; transferring from the Department of Education to the board responsibility for approval of training programs; revising grounds for which the board may impose certain penalties; creating s. 464.2085, F.S.; creating and providing requirements for a Council on Certified Nursing Assistants; amending ss. 20.43, 39.01, 39.304, 110.131, 232.46, 240.4075, 246.081, 310.102, 381.0302, 384.30, 384.31, 394.455, 395.0191, 400.021, 400.211, 400.402, 400.407, 400.4255, 400.426, 400.462, 400.464, 400.506, 400.6105, 401.23, 401.252, 408.706, 409.908, 415.1085, 455.597, 455.604, 455.667, 455.677, 455.694, 455.707, 458.348, 464.001, 464.002, 464.003, 464.006, 464.009, 464.016, 464.018, 464.019, 464.022, 464.023, 464.027, 466.003, 467.003, 467.0125, 467.203, 468.505, 483.041, 483.801, 491.0112, 550.24055, 627.351, 627.357, 627.9404, 641.31, 766.101, 766.110, 766.1115, 877.111, 945.602, 960.28, 984.03, 985.03, F.S.; conforming references; revising application procedures for certified nursing assistants; revising registration requirements for certified nursing assistants; amending ss. 400.215, 400.512, F.S.; revising provisions relating to the granting of exemptions from disqualification for employment in nursing homes or home health agencies; amending s. 400.23, F.S.; authorizing licensed practical nurses in nursing home facilities to supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel working in such facilities in accordance with rules adopted by the Board of Nursing; amending s. 455.557, F.S.; including advanced registered nurse practitioners under the credentialing program; creating s. 455.56503, F.S.; requiring advanced registered nurse practitioners to submit information and fingerprints for profiling purposes; amending s. 455.5651, F.S.; authorizing the department to publish certain information in practitioner profiles; amending s. 455.5653, F.S.; deleting obsolete provisions relating to scheduling and development of practitioner profiles for additional health care practitioners; providing access to information on advanced registered nurse practitioners maintained by the Agency for Health Care Administration for corroboration purposes; amending s. 455.5654, F.S.; providing for adoption by rule of a form for submission of profiling information; repealing s. 400.462(20), F.S., to delete the definition of "screening" under the Home Health Services Act; amending s. 400.471, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; amending s. 400.484, F.S.; providing for assessment of certain costs of an investigation that results in a successful prosecution; amending s. 400.487, F.S.; requiring home health service agreements; revising requirements for physician's treatment orders; providing for supervisory visits by a registered nurse under certain circumstances; deleting provisions relating to service provision plans; amending s. 400.497, F.S.; providing for a home health aide competency test, criteria for the frequency of onsite licensure surveys, and information to be included in patients' records; amending s. 400.506, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; authorizing assessment of certain costs of an investigation that results in a successful prosecution; revising a cross reference; making renewal of license contingent on payment or arrangement for payment of any unpaid assessment; amending s. 400.509, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; authorizing assessment of certain costs of an investigation that results in a successful prosecution; making renewal of registration contingent on payment or arrangement for payment of any unpaid assessment; amending s. 400.512, F.S.; revising provisions relating to the screening of home health agency, nurse registry, and companion and homemaker service personnel; requiring the Agency for Health Care Administration to conduct the search for reports of confirmed abuse; providing an exemption from liability under certain conditions for providing opinions on the job performance of former employees and contract workers; providing conforming changes; amending s. 455.587, F.S.; providing requirements for funding regulation of professions by the Department of Health; providing an appropriation;

## MOTION

On motion by Senator McKay, the rules were waived and time of recess was extended until completion of **CS for CS for HB 591** and motions and announcements.

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

**Amendment 1D (051308)(with title amendment)**—On page 140, between lines 14 and 15, insert:

Section 82. Subsection (2) of section 766.106, Florida Statutes, is amended to read:

766.106 Notice before filing action for medical malpractice; presuit screening period; offers for admission of liability and for arbitration; informal discovery; review.—

(2) After completion of presuit investigation pursuant to s. 766.203 and prior to filing a claim for medical malpractice, a claimant shall notify each prospective defendant ~~and, if any prospective defendant is a health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, the Department of Health~~ by certified mail, return receipt requested, of intent to initiate litigation for medical malpractice. ~~Following the initiation of a suit alleging medical malpractice with a court of competent jurisdiction, and service of the complaint upon a defendant, the claimant shall provide a copy of the complaint to the Department of Health. Notice to the Department of Health must include the full name and address of the claimant; the full names and any known addresses of any health care providers licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who are prospective defendants identified at the time; the date and a summary of the occurrence giving rise to the claim; and a description of the injury to the claimant.~~ The requirement of *providing the complaint for notice* to the Department of Health does not impair the claimant's legal rights or ability to seek relief for his or her claim, ~~and the notice provided to the department is not discoverable or admissible in any civil or administrative action.~~ The Department of Health shall review each incident and determine whether it involved conduct by a licensee which is potentially subject to disciplinary action, in which case the provisions of s. 455.621 apply.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 150, line 31, after the semicolon (;) insert: amending s. 766.106, F.S.; providing that following the initiation of a suit alleging medical malpractice the claimant must provide notice to the Department of Health along with a copy of the service of process;

Senator King moved the following substitute amendment for pending **Amendment 1B** which was adopted:

**Amendment 1E (421872)**—On page 132, line 10 through page 133, line 10, delete those lines and insert:

2. *Prescribe the format, content, and timing of information that is to be submitted to the conference and used by the conference in its assessment of proposed mandated benefits and providers. Such format, content, and timing requirements are binding upon all parties submitting information for the conference to use in its assessment of proposed mandated benefits and providers.*

3. *Provide assessments of proposed mandated benefits and providers and other studies of mandated benefits and provider issues as requested by the Legislature or the Governor. When a legislative measure containing a mandated health insurance benefit or provider is proposed, the standing committee of the Legislature which has jurisdiction over the proposal shall request that the conference prepare and forward to the Governor and the Legislature a study that provides, for each measure, a cost-benefit analysis that assesses the social and financial impact and the medical efficacy according to prevailing medical standards of the proposed mandate. The conference has 12 months after the committee makes its request in which to complete and submit the conference's report. The standing committee may not consider such a proposed legislative measure until 12 months after it has requested the report and has received the conference's report on the measure.*

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 591** as amended was placed on the calendar of Bills on Third Reading.

### MOTIONS

On motion by Senator McKay, a deadline of 15 minutes after recess this day was set for filing amendments to Bills on Third Reading and the Special Order Calendar to be considered Friday, May 5.

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, May 5.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

#### FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 221, HB 1957, CS for HB 2085; has passed as amended CS for HB 215, HB 349, HB 369, CS for HB 525, CS for CS for HB 591, HB 735, HB 761, CS for HB 827, CS for HB 917, HB 959, HB 1121, HB 2087, HB 2101, HB 2125, HB 2245, HB 2259, HB 2269, HB 2283, HB 2317, HB 2329, HB 2361, HB 2383 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committees on General Government Appropriations, Environmental Protection and Representative Constantine and others—

**CS for CS for HB 221**—A bill to be entitled An act relating to Everglades restoration and funding; amending s. 215.22, F.S.; providing that the Save Our Everglades Trust Fund is exempt from certain service charges; amending s. 259.101, F.S.; revising redistribution criteria for unencumbered balances from the Florida Preservation 2000 program; deleting requirements for review and repeal; deleting provision for carryforward of unspent funds; deleting a repealer; amending s. 259.105, F.S.; providing for transfer of funds from the Florida Forever Trust Fund into the Save Our Everglades Trust Fund; amending ss. 259.1051 and 375.045, F.S.; excluding Save Our Everglades Trust Fund distributions from requirement for expenditure within 90 days after transfer; creating s. 373.470, F.S.; creating the "Everglades Restoration Investment Act"; providing definitions; providing legislative intent; providing for a planning process; providing for project implementation reports; providing for the deposit of specified funds into the Save Our Everglades Trust Fund; providing supplemental funds; providing for distributions from the Save Our Everglades Trust Fund; providing for an accounting of expenditures; providing for annual progress reports; providing redistribution of funds; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources and Fiscal Resource.

By Representative Constantine and others—

**HB 1957**—A bill to be entitled An act relating to trust funds; creating s. 373.472, F.S.; creating the Save Our Everglades Trust Fund within the Department of Environmental Protection; providing for sources of funds and purposes; providing an exemption from service charges; providing for retention of interest and other earnings; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Natural Resources and Fiscal Policy.

By the Committee on Crime and Punishment; and Representative Bilirakis and others—

**CS for HB 2085**—A bill to be entitled An act relating to controlled substances; amending s. 893.02, F.S.; defining the term "mixture" for purposes of ch. 893, F.S.; amending s. 893.03, F.S.; deleting Dronabinol from the substances listed under Schedule II; adding Dronabinol to the controlled substances listed in Schedule III; adding 1,4-Butanediol to the controlled substances listed under Schedule II; deleting certain mixtures containing hydrocodone from the substances listed under Schedule III; amending s. 893.13, F.S.; providing enhanced penalties for the sale, manufacture, or possession of methamphetamine; providing enhanced penalties for possessing methamphetamine within a specified distance of a school, park, or public housing facility; providing enhanced penalties for purchasing or using a minor to sell or deliver methamphetamine; amending s. 893.135, F.S.; revising certain penalties imposed for trafficking in controlled substances; deleting certain provisions requiring that an offender be sentenced under the Criminal Punishment Code; prohibiting the sale, purchase, manufacture, or delivery of gamma-hydroxybutyric acid (GHB); providing penalties; prohibiting the sale, purchase, manufacture, or delivery of 1,4-Butanediol; providing penalties; prohibiting the sale, purchase, manufacture, or delivery of various drugs known as "Phenethylamines"; providing penalties; amending s. 775.087, F.S.; including the offenses of trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, and trafficking in Phenethylamines within provisions that impose enhanced penalties for offenses committed while possessing a firearm, destructive device, semiautomatic firearm, or machine gun; amending s. 893.145, F.S.; including certain objects used for unlawfully inhaling or introducing nitrous oxide into the human body within the definition of the term "drug paraphernalia"; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; amending s. 948.034, F.S.; deleting provisions authorizing the court to sentence an offender convicted of specified repeat felony drug offenses to a term of probation in lieu of imprisonment; reenacting ss. 39.01(30)(a) and (g), 316.193(5), and 327.35(5), F.S., relating to harm to a child and driving or boating under the influence, to incorporate the amendment to s. 893.03, F.S., in references thereto; reenacting ss. 397.451(7) and 414.095(1), F.S., relating to background checks and eligibility for the WAGES Program, to incorporate the amendments to s. 893.135, F.S., in references thereto; reenacting s. 440.102(11)(b), F.S., relating to the drug-free workplace program, to incorporate the amendment to s. 893.03, F.S., in references thereto; reenacting ss. 772.12(2), 782.04(1)(a), (3), and (4), F.S., relating to the Drug Dealer Liability Act and the offense of murder, to incorporate the amendments to s. 893.135, F.S., in references thereto; reenacting ss. 817.563, 831.31, 856.015(1)(d), 893.0356(2)(a) and (5), 893.12(2)(b), (c), and (d), F.S., relating to the sale of counterfeit controlled substances, open house parties, controlled substance analogs, and the seizure and forfeiture of contraband, to incorporate the amendment to s. 893.03, F.S., in references thereto; reenacting ss. 893.1351(1), 903.133, 907.041(4)(b), 921.0024(1)(b), 921.142(2), 943.0585, 943.059, F.S., relating to trafficking offenses, bail, pretrial detention and release, the Criminal Punishment Code worksheet, capital trafficking offenses, and expunction and sealing of criminal history records, to incorporate the amendments to s. 893.135, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By the Committee on Insurance and Representative Tullis—

**CS for HB 215**—A bill to be entitled An act relating to stock and mutual insurance companies; amending s. 628.715, F.S.; authorizing a mutual insurance holding company to merge the membership interests of certain mutual insurance companies into the mutual insurance holding company under certain circumstances; authorizing a mutual insurance holding company to merge or consolidate with, or acquire the assets of, certain entities; authorizing the Department of Insurance to retain certain consultants for merger evaluation purposes; requiring certain companies to pay consultant costs; providing a methodology for determining the rights of certain merging entities; amending ss. 628.231 and 628.723, F.S.; authorizing directors of domestic insurers and mutual insurance holding companies to consider certain factors while taking corporate action in discharging their duties; amending s. 628.729, F.S.;

conforming a reference to a qualification period; creating s. 628.730, F.S.; providing for merger of a mutual insurance holding company into its intermediate holding company; requiring a plan and agreement of merger; requiring approval by the Department of Insurance; providing requirements for distribution of assets and liabilities; authorizing sales of shares of the mutual insurance holding company for certain purposes; requiring the department to hold a public hearing on the merger; requiring the plan and agreement of merger to be voted on by members of the mutual insurance holding company; providing an effective date.

—was referred to the Committee on Banking and Insurance.

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By Representative Johnson and others—

**HB 349**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S., relating to the tax on the lease or rental of or license in real property; revising application of the exemption for property leased, subleased, licensed, or rented to a person providing food and drink concessionaire services in certain facilities; providing an exemption for property rented, leased, subleased, or licensed by certain facilities to a concessionaire selling event-related products during an event at the facility; providing for repeal effective July 1, 2003; specifying when the tax on the rental, lease, or license to use certain facilities for certain events shall be collected and when it is due to the Department of Revenue; providing for repeal effective July 1, 2003; providing that separately stated charges by certain facilities for certain food, drink, or services in connection with use of their property are exempt from said tax; repealing s. 212.031(10), F.S., to remove such exemption for such separately stated charges, effective July 1, 2003; amending s. 212.04, F.S., relating to the tax on admissions; providing that the value of an admission does not include state or local seat surcharges, taxes, or fees, or certain ticket service charges under certain conditions; providing for repeal effective July 1, 2003; providing an exemption for admission charges to events sponsored by governmental entities, sports authorities, or sports commissions under certain conditions; providing for repeal effective July 1, 2003; specifying when the tax on admissions to events at certain facilities shall be collected and when it is due to the department; providing for repeal effective July 1, 2003; providing that no tax imposed on the transactions exempted by the act and not actually paid or collected prior to the effective date of the act shall be due; providing effective dates.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

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By Representative Garcia and others—

**HB 369**—A bill to be entitled An act relating to judicial employees; amending s. 121.055, F.S.; adding assistant state attorneys, assistant statewide prosecutors, and assistant public defenders to the Senior Management Service Class of the Florida Retirement System; excluding such persons from participating in the Senior Management Service Optional Annuity Program; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

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By the Committee on Colleges and Universities; and Representative Waters and others—

**CS for HB 525**—A bill to be entitled An act relating to the State University System; amending s. 240.289, F.S.; authorizing institutions in the State University System to accept payment of tuition and fees by credit cards, charge cards, or debit cards without imposing a convenience fee for card use; authorizing such institutions to absorb the costs of using such cards; authorizing such institutions to enter into contracts with financial institutions for certain purposes; requiring universities to provide certain education relating to credit card use and debt management; amending s. 240.235, F.S.; defining “consultation” for purposes of establishing student fees; providing requirements regarding the recommendations of fee committees; creating s. 240.236, F.S., relating to university student governments; requiring the establishment of a student government at each state university; authorizing each student government to

adopt certain internal procedures; requiring the adoption of certain procedures; providing for the university president to have final approval authority for internal procedures adopted according to this section; amending s. 240.295, F.S.; defining “consultation” for purposes of approval of state university capital outlay projects; amending s. 240.531, F.S., relating to the establishment of educational research centers for child development; revising terminology; repealing s. 240.136, F.S., relating to suspension and removal from office of elected student government officials; providing an effective date.

—was referred to the Committee on Education.

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By the Committees on Governmental Rules and Regulations; Health Care Licensing and Regulation; and Representative Minton and others—

**CS for CS for HB 591**—A bill to be entitled An act relating to health care services; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 400.606, F.S.; conforming to the act provisions relating to certificate-of-need requirements for hospice licensure; amending s. 408.032, F.S.; revising definitions; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensing of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemption for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; providing an additional exemption for construction of certain skilled nursing facilities; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing “department” with “agency”; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for nonresidents; requiring a facility to report such use after the expiration of the extension; creating the Public Cord Blood Tissue Bank as a statewide consortium; providing purposes, membership, and duties of the consortium; providing duties of the Agency for Health Care Administration and the Department of Health; providing an exception from provisions of the act; requiring specified written disclosure by certain health care facilities and providers; specifying that donation under the act is voluntary; authorizing the consortium to charge fees; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; reducing allocation of positions and funds; providing effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

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By Representative Sorensen—

**HB 735**—A bill to be entitled An act relating to the Key Largo Hammocks State Botanical Site; changing the name of the site; providing as effective date.

—was referred to the Committee on Natural Resources.

By Representative L. Miller and others—

**HB 761**—A bill to be entitled An act relating to community-based development organizations; creating the “Community-Based Development Organization Act”; providing legislative findings and intent; providing eligibility requirements for administrative and operating grants to community-based development organizations; providing for award of grants by the Department of Community Affairs for housing and economic development projects; providing a three-tiered plan; providing a description of activities eligible for funding; providing application requirements; providing reporting and evaluation requirements; authorizing the Department of Community Affairs to adopt rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Commerce and Economic Opportunities; and Fiscal Policy.

By the Committees on Governmental Operations; Colleges and Universities; and Representative Casey and others—

**CS for HB 827**—A bill to be entitled An act relating to the designation of buildings and facilities; designating the baseball field at Florida A & M University as the “Oscar A. Moore-Costa Kittles Baseball Field”; designating the tennis courts at Florida A & M University as the “Althea Gibson Tennis Courts”; designating the Athletic Center at Florida Atlantic University’s Boca Raton Campus as the “Tom Oxley Athletic Center and Fields”; designating a new Fine Arts Building at Florida Atlantic University’s John D. MacArthur Campus in Jupiter as the “Hibel Fine Arts Building”; designating new classroom and office space for the College of Business at Florida Atlantic University’s Boca Raton Campus as the “Carl DeSantis Pavilion”; designating the new presidential residence at Florida Atlantic University’s Boca Raton Campus as the “Eleanor R. Baldwin House”; designating Academic Building #2 at Florida Gulf Coast University as “Charles B. Reed Hall”; designating the Student Services Building at Florida Gulf Coast University as “Roy E. McTarnaghan Hall”; designating the Seminole Golf Course at Florida State University as the “Don A. Veller Seminole Golf Course”; designating Building #76 at Florida State University as “William A. Tanner Hall”; designating Building #1012 on the Panama City Campus of Florida State University as the “Larson M. Bland Conference Center”; designating the new clubhouse building at the Seminole Golf Course at Florida State University as the “David Middleton Golf Center”; designating the Administration Building at the University of Central Florida as “Millican Hall”; designating the Humanities and Fine Arts Building at the University of Central Florida as “Colbourn Hall”; designating the facility to house the Honors College at the University of Central Florida as “Burnett Hall”; designating the Cancer Center at the University of Florida as the “Jerry W. and Judith S. Davis Cancer Center”; designating the University Athletic Center at the University of Florida as the “L. Gale Lemerand Athletics Center”; designating the tennis facility at the University of Florida as the “Alfred A. Ring Tennis Complex”; designating the Center for the Performing Arts at the University of Florida as the “Curtis M. Phillips Center for the Performing Arts”; designating the Golf Management and Learning Center at the University of North Florida as the “John and Geraldine Hayt Golf Management and Learning Center”; designating the student residence currently known as Gamma Hall at the University of South Florida as “Betty Castor Hall”; designating the IFAS North Florida Research and Education Center as the “Fount May, Sr., Research Center”; designating the School of Architecture building at the University Park Campus of the Florida International University as the “Paul L. Cejas School of Architecture Building”; designating the new residence hall at the University of West Florida as “John G. Martin Hall”; designating certain property at University Drive and Pembroke Road in Pembroke Pines as the Senator Howard C. Forman Human Services Campus”; authorizing the erection of suitable markers; designating the renovated student services area at the University of Central Florida as the “Jimmy A. Ferrell Student Services Commons”; designating the state veterans’ home in Pembroke Pines as the “Alexander ‘Sandy’ Nininger, Jr., State Veterans’ Nursing Home”; designating the Bartow Agricultural Center as the “Bob Crawford Agricultural Center”; designating the Science and Education Building at the Southeast Campus of Florida Atlantic University in Davie as the “Senator James A. Scott Building”; designating a bridge on the Jensen Beach Causeway in Martin County as the “Frank Wacha Bridge”; authorizing

the respective universities to erect suitable markers; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Election Reform and Representative Stafford and others—

**CS for HB 917**—A bill to be entitled An act relating to elections; amending s. 100.361, F.S.; providing for municipal recall petitions to be attested to by a witness; removing determination of facial validity by the clerk; amending s. 101.657, F.S.; providing an alternative procedure for voting by absentee ballot; amending s. 102.012, F.S.; eliminating a requirement that election boards be composed of three inspectors and a clerk; eliminating the requirement that pollworkers be trained at formal classes; amending s. 102.021, F.S., to conform; amending s. 102.031, F.S.; providing for a deputy sheriff to be present at each polling place; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Representative Crady—

**HB 959**—A bill to be entitled An act relating to indigent health care; amending s. 154.306, F.S.; providing for excluding active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county’s financial responsibility for hospitals’ treatment of specific counties’ indigent residents; amending s. 212.055, F.S.; expanding the authorized use of the indigent care discretionary sales surtax to include trauma centers; renaming the surtax; requiring the plan set out in the ordinance to include additional provisions concerning Level I trauma centers; providing requirements for annual disbursements to hospitals on October 1 to be in recognition of the Level I trauma status and to be in addition to a base contract amount plus any negotiated additions to indigent care funding; authorizing certain counties to levy a voter-approved indigent care discretionary sales surtax; providing for the surtax to be conditioned upon approval by a majority vote of the electors; limiting the rate of the surtax; providing requirements for the ordinance adopted by the governing body of the county which imposes the surtax; providing for proceeds of the surtax to be used to provide health care services to qualified residents; defining “qualified residents”; providing for the administration of proceeds collected pursuant to the surtax; limiting the total amount of certain local option sales surtaxes that may be imposed by a county; providing effective dates.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Health, Aging and Long-Term Care; and Fiscal Policy.

By Representative Peaden and others—

**HB 1121**—A bill to be entitled An act relating to the Florida State University College of Medicine; establishing a 4-year allopathic medical school within the Florida State University; providing legislative intent; providing purpose; providing for transition, organizational structure, and admissions process; providing for partner organizations for clinical instruction in a community-based medical education program; specifying targeted communities and hospitals; providing for development of a plan for graduate medical education in the state; providing for accreditation; providing curricula; providing for clinical rotation sites in local communities; providing for training to meet the medical needs of the elderly; providing for training to address the medical needs of the state’s rural and underserved populations; providing for increased participation of underrepresented groups and socially and economically disadvantaged youth; providing for technology-rich learning environments; providing for administration and faculty; providing for collaboration with other professionals for integration of modern health care delivery concepts; authorizing the Florida State University to negotiate and purchase certain liability insurance; specifying that the act be implemented as funded; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Education; and Fiscal Policy.

By the Committee on Education Innovation and Representative Melvin and others—

**HB 2087**—A bill to be entitled An act relating to charter schools; creating s. 196.1983, F.S.; providing an exemption from ad valorem taxes for facilities used to house charter schools; amending s. 196.29, F.S.; providing for the cancellation of certain taxes on real property acquired by a charter school governing board; amending s. 228.056, F.S.; revising who is authorized to submit an application to convert an existing public school to a charter school; prohibiting unlawful reprisals against district school board employees as a result of direct or indirect involvement in an application to establish a charter school; establishing procedures for reviewing and deciding alleged unlawful reprisals; revising the date by which charter school applications must be submitted to the district school board; providing an appeal process for failure of a district school board to act on a charter school application; requiring district school boards to provide certain information relating to charter schools to the Department of Education; clarifying the timeframe for charter school approval or denial; requiring the award of reasonable attorney fees and costs incurred to the prevailing party in a charter school dispute; exempting conversion charter schools from being counted toward the number of charter schools in the district for purposes of a limit; authorizing district school boards or charter school applicants to request an increase of the limit on the number of charter schools in the district; providing student eligibility requirements for charter schools established by developmental research schools; authorizing enrollment preference to be given to the child of a member of the governing board of a charter school; authorizing a developmental research school to which a charter has been issued to charge a student activity and service fee; requiring a charter school to comply with certain cost accounting and reporting requirements; establishing the term of a charter issued to a developmental research school; providing an exception to a requirement for alternative arrangements for teachers who choose not to teach in a developmental research school to which a charter has been issued; clarifying that a charter may not be renewed if grounds for nonrenewal have been documented; revising eligibility requirements for a 15-year charter renewal; requiring the recommendation of the charter school governing board for modification of a charter; specifying that reversion of ownership of charter school property is subject to satisfaction of any lawful liens or encumbrances; revising exemptions from statutes to specify certain statutes that charter schools must comply with; deleting the requirement that members of the governing board of a charter school be fingerprinted prior to approval of the charter; providing notice of a tax exemption; requiring facilities used as charter schools to be in compliance with certain safety requirements; clarifying and conforming terminology; requiring the Legislature to review the operation of charter schools during the 2005 Regular Session of the Legislature; amending s. 228.0561, F.S.; revising the calculation for the funding allocation for charter school capital outlay; providing requirements for the distribution of such funds; deleting provisions relating to the sharing of funds for capital outlay purposes; providing for the reversion of property and funds of a developmental research charter school upon nonrenewal or termination; specifying that the reversion of charter school property is subject to the satisfaction of all lawful liens or encumbrances; creating s. 228.0581, F.S.; establishing a statewide conversion charter school pilot program; providing intent and purpose; providing for application for participation in the pilot program by school principals, parents, teachers, or school advisory council members; prohibiting unlawful reprisals as a result of applying to participate in the pilot program; providing procedures for reviewing and deciding alleged unlawful reprisals; providing requirements for district school boards; establishing a program selection panel and providing membership and duties; authorizing grants to participating districts and reductions in funding for violations of requirements; requiring annual progress reports; amending s. 236.0817, F.S.; clarifying eligibility for categorical funding for developmental research schools to which a charter has been issued; amending s. 236.053, F.S.; providing requirements relating to charters issued to developmental research schools; clarifying provisions relating to funding; deleting obsolete language; providing additional funds for developmental research schools to which a charter has been issued; amending s. 228.505, F.S.; establishing provisions relating to the governance of a charter technical career center; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By the Committee on Health Care Licensing and Regulation; and Representative Fasano—

**HB 2101**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for certain information on health care practitioners working in correctional or mental health facilities; amending s. 455.5656, F.S.; providing exemption from public records requirements for information obtained for practitioner profiles of health care practitioners not previously profiled; amending s. 943.0585, F.S.; providing exemption from public records requirements for expunged criminal history information on health care practitioners obtained for certain employment, licensure, or contracting purposes; providing a penalty; providing an exemption from public records requirements for certain information on certain court records to enforce certain orders by the Department of Health; providing for future review and repeal; amending s. 943.059, F.S.; providing sealed criminal history records to the department under certain circumstances; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Rules and Calendar.

By the Committee on Children and Families; and Representative Murman and others—

**HB 2125**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.04, F.S.; providing for program offices to be headed by program directors rather than assistant secretaries; amending s. 20.19, F.S.; revising mission and purpose of the department; providing duties and responsibilities of the secretary, deputy secretary, and program directors; providing for program offices and support offices; providing for local services, service districts, district administrators, and community alliances; providing certain budget transfer authority; providing for operation of a prototype region; providing for contracts with lead agencies; providing for consultation with counties on mandated programs; requiring a report; amending s. 39.3065, F.S.; providing for the sheriff in any county to provide child protective investigative services; requiring individuals providing such services to complete protective investigation training; providing for funding; providing for performance evaluation; requiring annual reports to the department; providing for program performance evaluation; amending s. 397.321, F.S.; providing for a pilot project to serve in a managed care arrangement non-Medicaid eligible persons for substance abuse or mental health services; amending ss. 393.502 and 393.503, F.S.; revising provisions relating to creation, appointment, and operation of family care councils; requiring establishment of a training program for council members; providing for reimbursement for members' per diem and travel expenses; deleting references to health and human services boards; creating s. 402.73, F.S.; providing contracting and performance standards for contracted client services; providing conditions for competitive procurement; providing for procurement and contract for services that involve multiple providers; providing requirements relating to matching contributions; providing for independent contract for assessment and case management services; providing for penalties; requiring certain notice; providing for standards of conduct and disciplinary actions with respect to department employees carrying out contracting responsibilities; providing requirements relating to the developmental services Medicaid waiver service system; requiring a report; providing for cancellation of provider contracts; restricting new contracts with canceled providers; providing for liens against facility properties; providing for performance-based incentives; creating s. 402.731, F.S.; authorizing certification programs for department employees and service providers; providing rulemaking authority; requiring employment programs for staff to facilitate transition to privatized community-based care; requiring contracts for outpatient services; authorizing certain time-limited exempt positions; amending s. 409.1671, F.S., relating to foster care and related services; deleting provisions relating to a statewide privatization plan; deleting requirement that excess earnings be distributed to all entities contributing to the excess; providing for the designation of more than one eligible lead community-based provider within a single county under certain circumstances; providing the establishment of a risk pool to reduce financial risk to community-based providers; excluding certain entities from certain insurance requirements; providing for any excess earnings to be distributed to all entities contributing to the excess; creating s. 409.1675, F.S.; providing conditions and proce-

dures for placing a lead community-based provider in receivership; providing for notice and hearing; providing powers and duties of a receiver; providing for compensation; providing liability; requiring a receiver to post a bond under certain circumstances; providing for termination of receivership; amending ss. 20.43, 39.001, 39.0015, 39.01, 39.201, 39.302, 216.136, 381.0072, 383.14, 393.064, 393.13, 394.462, 394.4674, 394.67, 394.75, 397.311, 397.321, 397.821, 397.901, 400.435, 402.17, 402.3015, 402.40, 402.47, 409.152, 409.1673, 410.0245, 411.01, 411.223, 411.224, 414.028, 414.105, 414.36, 916.107, 985.223, and 985.413, F.S.; providing changes to conform with the provisions of the act; repealing s. 402.185(2), F.S., relating to funding for staff of the Office of Standards and Evaluation of the department; repealing s. 409.152(6), F.S., relating to designation of family preservation programs by the health and human services boards; providing a directive to the statute editors to conform terminology; providing incentive grants for children's services council or juvenile welfare board; providing requirements; authorizing rules; requiring the Correctional Privatization Commission in consultation with the Department of Children and Family Services to issue a request for proposal for the financing, design, construction, acquisition, ownership, leasing, and operation of a specified secure facility to house and rehabilitate certain sexual predators; authorizing the Secretary of Children and Family Services to approve the request for proposal, the successful bidder, and the contract; providing authority for the commission to enter into a contract with a provider; providing authority of the contractor with respect to financing of the project; providing authority of the state to enter into certain agreements; providing for termination of a specified program upon completion of the facility; amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to continue providing foster care services to certain individuals who are enrolled full-time in a degree-granting program in a postsecondary educational institution; specifying circumstances under which such services shall be terminated; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; and Fiscal Policy.

By the Committee on Children and Families; and Representative Murman—

**HB 2245**—A bill to be entitled An act relating to rulemaking authority for the Department of Children and Family Services; amending s. 409.919, F.S.; providing rulemaking authority relating to Medicaid for the department in addition to that provided for the Agency for Health Care Administration; creating s. 409.953, F.S.; providing rulemaking authority relating to the Refugee Assistance Program; amending ss. 414.085, 414.095, 414.13, and 414.15, F.S.; providing rulemaking authority relating to income eligibility standards, temporary cash assistance, required immunizations, and diversion payments under the WAGES Program; providing an effective date.

—was referred to the Committee on Children and Families.

By the Committee on Elder Affairs and Long-Term Care; and Representative Argenziano and others—

**HB 2259**—A bill to be entitled An act relating to protection of vulnerable persons; amending s. 400.6065, F.S.; providing employment screening requirements for hospice personnel; providing penalties; renumbering and amending s. 402.48, F.S.; revising the definition of "health care services pool"; providing background screening requirements for applicants for registration, managing employees, and financial officers of such entities, and certain others; providing penalties; requiring such entities to obtain a certificate of registration from the Agency for Health Care Administration; providing for injunction; revising application procedures; revising responsibilities regarding temporary employees; increasing a penalty; transferring powers, duties, functions, and appropriations relating to health care services pools from the Department of Health to the Agency for Health Care Administration; amending s. 415.102, F.S.; revising definitions; amending s. 415.103, F.S.; providing for a central abuse hotline to receive reports of abuse, neglect, or exploitation of vulnerable adults; amending s. 415.1034, F.S.; conforming provisions relating to mandatory reporting; amending s. 415.1035, F.S.; providing duty of the Department of Children and Family Services to ensure that facilities inform residents of their right to report abuse,

neglect, or exploitation; amending s. 415.1036, F.S.; conforming provisions relating to immunity of persons making reports; amending ss. 415.104 and 415.1045, F.S.; revising provisions relating to protective investigations; extending the time limit for completion of the department's investigation; providing for access to records and documents; providing for working agreements with law enforcement entities; amending s. 415.105, F.S.; authorizing the department to petition the court to enjoin interference with the provision of protective services; amending s. 415.1051, F.S.; providing for enforcement of court-ordered protective services when any person interferes; amending s. 415.1052, F.S., relating to interference with investigations or provision of services; amending s. 415.1055, F.S.; deleting provisions relating to notification to subjects, reporters, law enforcement, and state attorneys of a report alleging abuse, neglect, or exploitation; amending s. 415.106, F.S., relating to cooperation by criminal justice and other agencies; amending s. 415.107, F.S.; providing certain access to confidential records and reports; providing that information in the central abuse hotline may not be used for employment screening; amending s. 415.1102, F.S.; revising provisions relating to adult protection teams; amending s. 415.111, F.S., relating to criminal penalties; amending s. 415.1111, F.S.; revising provisions relating to civil penalties; amending s. 415.1113, F.S., relating to administrative fines for false reporting; amending s. 415.113, F.S., relating to treatment by spiritual means; amending s. 435.03, F.S.; revising provisions relating to level 1 and level 2 screening standards; amending s. 435.05, F.S.; revising provisions relating to screening requirements for covered employees; amending s. 435.07, F.S., relating to exemptions; amending s. 435.08, F.S., relating to payment for processing records checks; amending s. 435.09, F.S., relating to confidentiality of background check information; creating ss. 435.401, 435.402, 435.403, and 435.405, F.S.; providing special work history checks for caregivers of vulnerable adults; providing definitions; requiring certain organizations that hire, contract with, or register for referral such caregivers to obtain service letters regarding applicants from all previous such organizations with whom the applicant worked within a specified period; providing duties of such applicants and organizations; providing penalties; providing for conditional employment, contract, or registration for referral for a specified period; providing for good faith efforts to perform required duties; providing for certain burden of proof; providing penalties for persons or organizations that knowingly provide certain false or incomplete information; providing certain immunity from civil liability; protecting certain information from discovery in legal or administrative proceedings; providing for enforcement by the Agency for Health Care Administration; providing for disposition of fines; requiring rules; amending ss. 20.43, 455.712, and 468.520, F.S.; deleting references to health care services pools in provisions relating to the Department of Health; correcting a cross reference; amending ss. 39.202, 110.1127, 112.0455, 119.07, 232.50, 242.335, 320.0848, 381.0059, 381.60225, 383.305, 390.015, 393.067, 393.0674, 394.459, 394.875, 355.0055, 395.0199, 395.3025, 397.461, 400.022, 400.071, 400.215, 400.414, 400.4174, 400.426, 400.428, 400.462, 400.471, 400.495, 400.506, 400.509, 400.512, 400.5572, 400.628, 400.801, 400.805, 400.906, 400.931, 400.95, 400.953, 400.955, 400.962, 400.964, 402.3025, 402.3125, 402.313, 409.175, 409.912, 430.205, 447.208, 447.401, 464.018, 468.826, 468.828, 483.101, 483.30, 509.032, 744.309, 744.474, 744.7081, 775.21, 916.107, 943.0585, and 985.05, F.S.; conforming to the act provisions relating to protection of vulnerable adults and the central abuse hotline; repealing s. 415.1065, F.S., relating to management of records of the central abuse registry and tracking system; repealing s. 415.1075, F.S., relating to amendment of such records, and expunctions, appeals, and exemptions with respect thereto; repealing s. 415.1085, F.S., relating to photographs and medical examinations pursuant to investigations of abuse or neglect of an elderly person or disabled adult; repealing s. 415.109, F.S., relating to abrogation of privileged communication in cases involving suspected adult abuse, neglect, or exploitation; providing an appropriation; providing effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; Children and Families; and Fiscal Policy.

By Representative Harrington—

**HB 2269**—A bill to be entitled An act relating to political campaigns; amending s. 106.071, F.S.; clarifying that certain persons who make independent expenditures that expressly advocate the election or defeat of candidates or the approval or rejection of issues must file periodic expenditure reports; allowing certain individuals to make anonymous

independent expenditures; amending s. 106.143, F.S.; authorizing certain individuals to engage in anonymous political advertising; amending s. 106.147, F.S.; clarifying that certain telephone calls are political polls; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By the Committee on Community Colleges and Career Prep; and Representative Harrington—

**HB 2283**—A bill to be entitled An act relating to postsecondary education institutions; amending s. 239.115, F.S.; establishing legislative intent that funding formulas not penalize institutions for certain actions; providing an assurance that no institutions be required to lower fees; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; revising a limitation on the total value of fee waivers; revising the date by which the Commissioner of Education must provide a fee schedule; deleting obsolete language; requiring each school board or community college district board of trustees to determine the method for distributing certain awards; deleting a provision that limits technology fees to associate degree programs and courses; authorizing school boards and community college boards of trustees to establish technology and financial aid fees; amending s. 239.213, F.S., relating to vocational preparatory instruction; requiring students who enroll in certificate career education programs of 450 hours or more to complete an entry-level examination within a certain period of time; revising provisions relating to exceptional students to conform with federal requirements; amending s. 239.514, F.S., relating to the workforce development capitalization incentive grant program; authorizing the use of such funds to upgrade workforce development programs; amending s. 240.1201, F.S.; authorizing the State Board of Education to classify students as residents or nonresidents for tuition purposes; amending ss. 240.152 and 240.153, F.S.; conforming provisions relating to students with disabilities with federal requirements; requiring the State Board of Education to define “physical or mental impairment” by rule; amending s. 240.311, F.S.; revising the role of the State Board of Community Colleges in rulemaking; providing specific rulemaking authority; amending s. 240.321, F.S.; deleting requirements regarding the provision of information on remediation courses; amending s. 240.325, F.S.; requiring the State Board of Community Colleges, rather than the State Board of Education, to adopt rules; requiring the adoption of rules to address accreditation, student withdrawal, and grade forgiveness; amending s. 240.3341, F.S.; authorizing community colleges to lease incubator facilities; deleting obsolete language; amending s. 240.35, F.S., relating to student fees; deleting obsolete and redundant language; amending s. 240.359, F.S.; prohibiting the inclusion of certain hours in calculations of full-time equivalent enrollments; eliminating provisions relating to funding for the category of lifelong learning; providing one year performance exemptions for new and expanded workforce development programs; amending s. 231.621, F.S.; deleting the requirement that repayment of a Critical Teacher Shortage Student Loan be made directly to the holder of the loan; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship; amending s. 240.40202, F.S.; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; amending s. 240.40203, F.S.; providing for renewal, reinstatement, and restoration of an award; amending s. 240.40204, F.S.; revising accreditation requirements for postsecondary education institution participation in the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S., relating to the Florida Academic Scholars award; requiring the Department of Education to define matriculation and fees for purposes of the award; clarifying provisions relating to renewal and reinstatement of an award; revising the amount awarded to the Florida Academic Scholar with the highest academic ranking; amending s. 240.40206, F.S., relating to the Florida Merit Scholars award; authorizing the participation of students who have been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist, but have not completed a program of community service; requiring the Department of Education to define matriculation and fees for purposes of the award; clarifying provisions relating to renewal and reinstatement of an award; providing a cross-reference; amending s. 240.40207, F.S., relating to the Florida Gold Seal Vocational Scholars award; revising student eligibility requirements; requiring the Department of Education to define matriculation and fees for purposes of the award; clarifying provisions relating to renewal and restoration of an award; limiting the use of a Florida Gold Seal Voca-

tional Scholars award at an institution that grants baccalaureate degrees; revising provisions relating to transfer to the Florida Merit Scholars award program; providing for determination of the credit hour limitation; amending s. 240.40209, F.S., relating to the calculation of awards of Bright Futures Scholarship recipients attending nonpublic institutions; requiring the Department of Education to define matriculation and fees for purposes of the award; amending s. 240.404, F.S., relating to general requirements for student eligibility for state financial aid; revising accreditation requirements for postsecondary education institution participation; requiring that to remain eligible, a student not have a break in enrollment greater than 12 months; amending s. 240.4064, F.S., relating to the critical teacher shortage tuition reimbursement program; increasing the rate of tuition reimbursement; amending s. 240.412, F.S., relating to the Jose Marti Scholarship Challenge Grant Program; revising accreditation requirements for postsecondary education institution participation; deleting the requirement that an applicant who applies as a graduate student have earned a 3.0 cumulative grade point average for undergraduate college-level courses; deleting a limitation on the number of semesters or quarters a graduate student may receive the award; amending s. 240.413, F.S., relating to the Seminole and Miccosukee Indian Scholarships; revising accreditation requirements for postsecondary education institution participation; amending s. 240.437, F.S., relating to student financial aid planning and development; deleting obsolete provisions; clarifying provisions relating to the repeal of unfunded financial assistance programs; repealing s. 240.465(5), F.S., which prohibits an individual borrower who is in default in making student financial assistance repayments from being furnished with his or her academic transcripts or other student records until such time as the loan is paid in full or the default status has been removed; amending s. 240.472, F.S.; revising the definition of the term “institution” to reflect revised accreditation requirements; amending s. 295.01, F.S., relating to the education of children of deceased or disabled veterans; clarifying student eligibility requirements; amending s. 295.02, F.S., relating to use of funds for the education of children of deceased or disabled veterans; requiring the Department of Education to define tuition and registration fees for purposes of award of funds; clarifying student eligibility requirements; providing for the award of funds for attendance at an eligible nonpublic postsecondary institution; authorizing rules of the State Board of Education; repealing s. 228.502, F.S., relating to the Education Success Incentive Program, s. 240.40242, F.S., relating to use of certain scholarship funds by children of deceased or disabled veterans, and s. 240.6055, F.S., relating to access grants for community college graduates; amending s. 246.041, F.S., relating to the powers and duties of the State Board of Independent Colleges and Universities; removing an obsolete cross-reference; amending s. 240.409, F.S.; deleting the requirement that a student attend full-time to be eligible for a state student assistance grant; directing the department to establish an application deadline; requiring the student to enroll in at least 6 semester hours, or the equivalent, per semester; requiring participating institutions to indicate whether the student met the deadline; creating s. 240.4099, F.S.; providing priority for awarding student assistance grants; amending s. 240.4095, F.S.; directing the department to establish an application deadline; directing participating institutions with regard to awarding of funds; deleting the requirement that a student attend full-time to be eligible for a Florida private student assistance grant; requiring a student to enroll in at least 6 semester hours, or the equivalent, per semester; amending s. 240.4097, F.S.; directing the department to establish an application deadline; directing institutions with regard to awarding of funds; deleting the requirement that a student attend full-time to be eligible for a Florida postsecondary student assistance grant; requiring a student to enroll in at least 6 semester hours, or the equivalent, per semester; amending s. 240.404, F.S.; revising the maximum amount of time an undergraduate student can receive financial aid; directing the Division of Statutory Revision to prepare a reviser’s bill; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By the Committee on Tourism and Representative Starks and others—

**HB 2317**—A bill to be entitled An act relating to the Department of State; amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 266.0016, F.S.; providing additional powers of the Historic Pensacola Preservation Board of Trustees; amending s. 267.061, F.S.; providing

additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; requiring the Division of Historical Resources and the Historic Pensacola Preservation Board of Trustees, in conjunction with specified entities, to develop a regionally based historic preservation plan for West Florida; providing elements of the plan; requiring submission of the plan to the Legislature by a specified date; providing for a study for promotion of historical resources; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

By the Committee on Health Care Services and Representative Peaden and others—

**HB 2329**—A bill to be entitled An act relating to health care; amending s. 394.4615, F.S.; requiring that clinical records be furnished to the unit upon request; amending s. 395.3025, F.S.; allowing patient records to be furnished to the unit; amending s. 400.0077, F.S.; providing that certain confidentiality provisions do not limit the subpoena power of the Attorney General; amending s. 400.494, F.S.; providing that certain confidentiality provisions relating to home health agencies do not apply to information requested by the unit; amending s. 409.9071, F.S.; waiving confidentiality and requiring that certain information regarding Medicaid provider agreements with school districts be provided to the unit; amending s. 409.920, F.S.; clarifying the Attorney General's power to subpoena medical records relating to Medicaid recipients; amending s. 409.9205, F.S.; authorizing investigators employed by the unit to serve process; amending s. 430.608, F.S.; providing that certain confidentiality provisions pertaining to the Department of Elderly Affairs do not limit the subpoena authority of the unit; amending s. 455.667, F.S.; providing that certain confidential records held by the Department of Health must be provided to the unit; amending s. 409.212, F.S.; providing for periodic increase in the optional state supplementation rate; amending s. 409.901, F.S.; amending definitions of terms used in ss. 409.910-409.920, F.S.; amending s. 409.902, F.S.; providing that the Department of Children and Family Services is responsible for Medicaid eligibility determinations; amending s. 409.903, F.S.; providing responsibility for determinations of eligibility for payments for medical assistance and related services; amending s. 409.905, F.S.; increasing the maximum amount that may be paid under Medicaid for hospital outpatient services; amending s. 409.906, F.S.; allowing the Department of Children and Family Services to transfer funds to the Agency for Health Care Administration to cover state match requirements as specified; amending s. 409.907, F.S.; revising requirements relating to the minimum amount of the surety bond which each provider is required to maintain; specifying grounds on which provider applications may be denied; amending s. 409.908, F.S.; increasing the maximum amount of reimbursement allowable to Medicaid providers for hospital inpatient care; prohibiting interim rate adjustments that reflect increases in the cost of general or professional liability insurance; providing legislative findings, intent, and clarification; relating to reimbursement for services to dually eligible Medicare beneficiaries; providing applicability; creating s. 409.9119, F.S.; creating a disproportionate share program for specialty hospitals for children; providing formulas governing payments made to hospitals under the program; providing for withholding payments from a hospital that is not complying with agency rules; amending s. 409.912, F.S.; providing for the transfer of certain unexpended Medicaid funds from the Department of Elderly Affairs to the Agency for Health Care Administration; authorizing the agency to renew certain contracts for certain services under certain circumstances; amending s. 409.919, F.S.; providing for the adoption and the transfer of certain rules relating to the determination of Medicaid eligibility; authorizing developmental research schools to participate in the Medicaid certified school match program; providing for the Agency for Health Care Administration to seek a federal waiver allowing the agency to undertake a pilot project that involves contracting with skilled nursing facilities for the provision of rehabilitation services to adult ventilator dependent patients; providing for evaluation of the pilot program; providing for a report; designating Florida Alzheimer's Disease Day; repealing s. 409.912(4)(b), F.S., relating to the authorization of the agency to contract with certain prepaid health care services providers; amending s.

381.0403, F.S.; placing an emphasis on primary care physicians rather than family physicians; modifying the provisions relating to the funding of graduate medical education; defining primary care specialties; establishing a program for graduate medical education innovations; creating a process regarding the release of funds; requiring an annual report on graduate medical education; establishing a committee for report purposes; providing requirements for the report; amending s. 408.07, F.S.; modifying the definition of "teaching hospital"; amending s. 409.905, F.S.; increasing the Medicaid reimbursement limitation for certain hospital outpatient services; amending s. 409.908, F.S.; providing exceptions to Medicaid reimbursement limitations for certain hospital inpatient care; authorizing the agency to receive certain funds for such exceptional reimbursements; providing an exemption from county contribution requirements; increasing the Medicaid reimbursement limitation for certain hospital outpatient care; authorizing the agency to receive certain funds for such outpatient care; removing authority for additional reimbursement for hospitals participating in the extraordinary disproportionate share program; providing an exemption from county contribution requirements; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Fiscal Policy; and Children and Families.

By Representative Boyd and others—

**HB 2361**—A bill to be entitled An act relating to the Department of Management Services; requiring the Department of Management Services to establish a central database to maintain a record of all state-related travel; providing an appropriation for the development, maintenance, and improvements to the database; requiring the Comptroller to establish object codes that uniquely identify expenses related to air travel, car rental, and motel or hotel accommodations; authorizing the Department of Management Services to negotiate and contract with an air carrier for service; requiring local matching funds; providing an appropriation; providing legislative intent; establishing the Small and Minority Business Surety Program; providing for a plan; providing eligibility; providing state responsibility; providing for an annual report; providing penalties for default; providing an appropriation; amending s. 255.25, F.S., providing an exception to competitive bidding for those leases negotiated pursuant to the department pilot project to be established; providing for negotiation of a replacement lease for currently occupied space under certain conditions; allowing agencies to negotiate leases in designated Front Porch Communities without competitive bidding; establishing a tenant broker pilot project in certain designated Florida counties to assist with property procurement and providing goals for the project; providing for automatic repeal of the pilot project; amending s. 255.2501, F.S., extending the conditions of this section to any lease that, during the term of the lease, becomes financed with local government obligations of any type; amending s. 272.161, F.S., providing for the rental of "permit" parking spaces in addition to "reserved" parking spaces; amending s. 287.022, F.S.; prohibiting the Department of Management Services from limiting certain insurers and others from competing for certain insurance products or plans on the basis of a compensation arrangement; amending s. 287.042, F.S., authorizing emergency medical services organizations to purchase under state term contracts; amending s. 365.171, F.S.; authorizing the Public Service Commission to enforce the remittance of the collected "911" fee to the county; providing the department with rulemaking authority for establishing the methods for collecting data and the "911" fee; creating s. 110.1315, F.S.; requiring that the Department of Management Services contract with a private vendor for an alternative retirement program for other personal services employees; providing contract requirements; requiring the private vendor to indemnify the state and participating employees from certain adverse tax consequences; providing for oversight of the program; directing the Department of Management Services to make a report; directing the Executive Office of the Governor to determine certain savings made; amending s. 110.123, F.S.; revising language with respect to the state group insurance program; providing that certain organizations may not be prohibited or limited from competing for the plan; amending s. 110.1521, F.S.; combining current ss. 110.1522 and 110.1523, F.S., into this section; repealing s. 110.1522, F.S., relating to model rule establishing family support personnel policies; repealing s. 110.1523, F.S., relating to adoption of model rule; amending s. 110.17, F.S.; changing "personal holiday" to "personal day" and replacing "entitled to" with "eligible for"; amending s. 110.122, F.S.; providing that state employees who terminate employment for reasons

of disability shall be eligible for payment of accumulated and unused sick leave; providing for application of this section to each employee upon termination of employment; providing that former state officers and employees who are vested in the Florida Retirement System may participate in the state group health insurance plan at the time of receiving their state retirement benefits; directing the Department of Management Services and the Florida School for the Deaf and Blind to develop a report and recommendation; providing for its submission by January 1, 2001; amending s. 110.123, F.S.; requiring solicitations or contracts or a state group dental program to include a comprehensive indemnity dental plan option providing enrollees an unrestricted access to dentists; repealing ss. 272.12 and 272.121, Florida Statutes, relating to the Capitol Center Planning Commission; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

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By the Committee on Rules and Calendar; and Representative Arnall and others—

**HB 2383**—A bill to be entitled An act relating to historic preservation; creating s. 11.801, F.S.; creating the Legislative Historic Preservation Commission; providing for appointment of members, terms, powers, and duties; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

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**RETURNING MESSAGES ON SENATE BILLS**

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HB 1721 and requests the Senate to recede. In the event the Senate fails to recede, the House accedes to the request that a conference committee be appointed.

The Speaker has appointed the following Representatives as conferees on the part of the House: Representatives Lacasa, Gay, and Gottlieb.

*John B. Phelps, Clerk*

**CS for HB 1721**—A bill to be entitled An act relating to tobacco settlement proceeds; providing legislative intent; creating s. 215.5600, F.S.; providing definitions; creating the Tobacco Settlement Financing Corporation; providing purposes; providing for a governing board of directors; providing for membership; providing powers of the corporation; authorizing the corporation to enter into certain purchase agreements with the Department of Banking and Finance for certain purposes; authorizing the corporation to issue bonds for certain purposes; providing requirements, limitations, and procedures for issuing such bonds; providing application; providing limitations; limiting liability of the corporation; exempting the corporation from taxation; providing for continued

existence of the corporation; authorizing the Auditor General to conduct financial audits of the corporation; providing severability; specifying powers of the Department of Banking and Finance; amending s. 17.41, F.S.; revising provisions relating to deposit into and disbursement of moneys from the Tobacco Settlement Clearing Trust Fund; authorizing sale of the state's right, title, and interest in the tobacco settlement agreement to the corporation; providing for payment of certain moneys into the Tobacco Settlement Clearing Trust Fund; providing for deposit of net proceeds of the sale of the tobacco settlement agreement into the Lawton Chiles Endowment Fund; amending s. 215.5601, F.S.; providing for additional funding of the Lawton Chiles Endowment Fund; revising provisions relating to transfer of endowment moneys; clarifying administration of the endowment; providing for receipt by the endowment of minimum amounts in certain fiscal years; providing an effective date.

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**RETURNING MESSAGES—FINAL ACTION**

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 268, SB 354, CS for SB 388, CS for SB 606, CS for SB 1300, CS for CS for CS for SB 1338, CS for SB's 1400 and 1224, CS for SB 1412, CS for CS for CS for SB 1508 and CS for SB's 706 and 2234, CS for SB's 1530 and 1456, SB 1738, SB 1740, CS for SB 1744, SB 1748, SB 1750, CS for SB 1752, SB 1760, SB 1762, SB 1770, SB 1776, CS for SB 1778, SB 1780, SB 1786, CS for SB 1796, SB 1870, CS for CS for SB 1890, CS for SB 1956, CS for SB 2086, CS for SB 2088, CS for SB 2130, SB 2150, CS for CS for SB 2208 and SB 2250.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS for HB 599, CS for HB 607 and CS for HB 1129, as amended.

*John B. Phelps, Clerk*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 3 was corrected and approved.

**CO-SPONSORS**

Senator Cowin—CS for CS for CS for SB 1508 and CS for SB's 706 and 2234, CS for CS for CS for SB 2154

**RECESS**

On motion by Senator McKay, the Senate recessed at 7:42 p.m. to reconvene at 9:00 a.m., Friday, May 5.