

CHAPTER 97-98

Senate Bill No. 430

An act relating to the Florida Statutes; amending ss. 403.088(1), 403.7186(3), 403.7238(1)(b), 408.0455(2), 409.212(3)(a), 411.221(5), 411.222(1), (2), (4)(c), 413.033(3)(d), (4)(d), 415.102(4), (23), 415.1034(1)(a), 415.1051(3)(b), 415.1055(1)(f), (2)(c), 415.50171(2)(c), 440.106(2), 443.175(2), 446.011(2), 446.041(8), 446.052(2), (3), 446.25(2), 482.2267(1)(b), (7), 483.308(2), 489.521(7)(b), 499.028(2), 501.203(3)(c), 513.065(4), 518.11(1)(c), 550.054(1), 550.105(9), 550.1815(1)(b), 550.235(1), 550.2614(3), (4), 559.809(12), 559.916(1), 561.42(7), 570.07(16)(i), 570.15(1)(b), Florida Statutes, and ss. 403.7895(5)(d), 403.9328(5), 403.9615(4), 408.061(4)(a), 409.25645, 409.906, 409.912(16), 414.027(1), 414.028, 414.065(1)(f), 414.105, 414.36(3), 414.37, 458.3145(3), 489.131(11), 489.555(4), 497.129(5), 597.004(3)(a), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

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

Section 1. Subsection (1) of section 403.088, Florida Statutes, is amended to read:

403.088 Water pollution operation permits; conditions.—

(1) No person, without written authorization of the department, shall discharge into waters within the state any waste which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for them. However, this section shall not be deemed to prohibit the application of pesticides to waters in the state for the control of insects, aquatic weeds, or algae, provided the application is performed pursuant to a program approved by the Department of Health and Rehabilitative Services, in the case of insect control, or the department, in the case of aquatic weed or algae control. The department is directed to enter into interagency agreements to establish the procedures for program approval. Such agreements shall provide for public health, welfare, and safety, as well as environmental factors. Approved programs must provide that only chemicals approved for the particular use by the United States Environmental Protection Agency or by the Department of Agriculture and Consumer Services may be employed and that they be applied in accordance with registered label instructions, state standards for such application, and the provisions of the Florida Pesticide Law, part I of chapter 487.

Reviser's note.—Amended to conform to ss. 1, 2, ch. 94-233, Laws of Florida, which designated part I of chapter 487 as the Florida Pesticide Law.

Section 2. Subsection (3) of section 403.7186, Florida Statutes, is amended to read:

403.7186 Environmentally sound management of mercury-containing devices and lamps.—

(3) PROHIBITION ON INCINERATION OF SPENT LAMPS.—After July 1, 1994, spent mercury-containing lamps shall not knowingly be incinerated in any municipal or other incinerator. This subsection shall not apply to incinerators that are permitted to operate under state or ~~of~~ federal hazardous waste regulations.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 3. Paragraph (b) of subsection (1) of section 403.7238, Florida Statutes, is amended to read:

403.7238 Expanded local hazardous waste management programs.—

(1) The Legislature recognizes the need for increased participation by local governments in ensuring that small quantity generators are properly managing their hazardous waste and that waste reduction opportunities are promoted and realized. In order to promote this participation, the department shall establish a grant program on a competitive basis for counties that meet the following criteria:

(b) The county has adopted a local ordinance approved by the department that addresses the compliance with and enforcement of the federal and state hazardous waste regulations for small quantity generators.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 4. Subsection (2) of section 408.0455, Florida Statutes, is amended to read:

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

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

Reviser's note.—Amended to improve clarity and facilitate correct interpretation. Sections 381.701-381.715 were transferred to ss. 408.031-408.045, respectively, by ss. 15, 16, ch. 92-33, Laws of Florida.

Section 5. Paragraph (a) of subsection (3) of section 409.212, Florida Statutes, is amended to read:

409.212 Optional supplementation.—

(3) In addition to the amount of optional supplementation provided by the state, a person may receive additional supplementation from third parties to contribute to his cost of care. Additional supplementation may be provided under the following conditions:

(a) Payments shall be made to the assisted living facility, or to the operator of an adult family-care ~~foster~~ home, family placement, or other special living arrangement, on behalf of the person and not directly to the optional state supplementation recipient.

Reviser's note.—Amended to conform to the change in terminology by s. 2, ch. 93-209, Laws of Florida.

Section 6. Subsection (5) of section 411.221, Florida Statutes, is amended to read:

411.221 Prevention and early assistance strategic plan; agency responsibilities.—

(5) There is established an interagency coordinating council to advise the Department of Health and Rehabilitative Services, the Department of Education, and other state agencies in the development of the joint strategic plan and to monitor the development of the plan. For the purpose of carrying out its responsibilities, the interagency coordinating council shall have access to statistical information, budget documents, and workpapers developed by the Department of Health and Rehabilitative Services and the Department of Education in preparing the joint strategic plan. The interagency coordinating council shall advise the appropriate substantive committees of the Senate and House of Representatives, and the Office of the Governor, on the progress of activities required in this chapter. ~~The Florida Developmental Disabilities Council shall continue to serve and advise the Department of Health and Rehabilitative Services, the Department of Education, and other state agencies in the development of the joint plan required by this section until such time as the coordinating council created in s. 411.222 assumes this responsibility as the interagency coordinating council, which shall be no later than May 1, 1990.~~

Reviser's note.—Amended to delete a provision that has served its purpose.

Section 7. Subsections (1) and (2) and paragraph (c) of subsection (4) of section 411.222, Florida Statutes, are amended to read:

411.222 Intraagency and interagency coordination; creation of offices; responsibilities; memorandum of agreement; creation of coordinating council; responsibilities.—

(1) DEPARTMENT OF EDUCATION.—There is created within the Department of Education an Office of Prevention, Early Assistance, and Child

Development for the purpose of intraagency and interagency planning, policy, and program development and coordination to enhance existing programs and services and to develop new programs and services for high-risk children and their families. The Department of Education, as the designated lead agency for administration of part H of Pub. L. No. 99-457, shall assign primary responsibility for implementation of part H to the Office of Prevention, Early Assistance, and Child Development. ~~In order to meet the responsibilities of the federal law and of this chapter, staff shall be assigned to the office no later than September 1, 1989.~~

(a) Intraagency responsibilities.—

1. Assure planning, policy, and program coordination in programs serving high-risk children and their families, including, but not limited to:

- a. Preschool programs for children of migrant farm workers.
 - b. Preschool programs for handicapped children.
 - c. Prekindergarten Early Intervention Program.
 - d. Florida First Start Program.
 - e. Preschool programs for educationally disadvantaged children funded through federal funds, such as Head Start and chapter I of Pub. L. No. 97-35, when applicable.
 - f. Programs for teen parents and their children.
 - g. Programs for preventing sexual activity and teenage pregnancy.
 - h. Food services for preschool and child care programs.
 - i. Transportation for programs serving preschool children.
 - j. Facilities for programs serving preschool children.
 - k. School volunteer programs serving preschool children.
- l. Support services, including social work and school health services for preschool children.
- m. Parent education, child care courses, and child care laboratories in high schools and vocational-technical centers.
2. Serve as clearinghouse for the collection and dissemination of information relating to programs and services for high-risk children and their families, including model and exemplary programs that have demonstrated effectiveness and beneficial outcomes.
3. Develop publications, including, but not limited to, directories, newsletters, public awareness documents, and other resource materials which assist agencies, programs, and families in meeting the needs of the high-risk population.

4. Provide technical assistance at the request of agencies, programs, and services.
5. Disseminate information regarding the availability of federal, state, and private grants which target high-risk children and their families.
6. Perform duties relating to the joint strategic plan as specified in s. 411.221.

(b) Interagency responsibilities.—

1. Perform the joint functions related to the joint strategic plan as specified in s. 411.221.
2. Prepare jointly with the Department of Health and Rehabilitative Services a memorandum of agreement pursuant to this section, or other cooperative agreements necessary to implement the requirements of this chapter.
3. Develop, in collaboration with the Department of Health and Rehabilitative Services, and recommend to the State Board of Education, rules necessary to implement this chapter.
4. Perform the responsibilities enumerated in subparagraphs (a)2.-5. on a statewide basis in conjunction with the Office of Prevention, Early Assistance, and Child Development within the Department of Health and Rehabilitative Services.

(2) DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES.—There is created within the Department of Health and Rehabilitative Services an Office of Prevention, Early Assistance, and Child Development for the purpose of intraagency and interagency planning, policy, and program development and coordination to enhance existing programs and services and to develop new programs and services for high-risk pregnant women and for high-risk preschool children and their families. ~~In order to meet the responsibilities of this chapter, staff shall be assigned to the office no later than September 1, 1989.~~

(a) Intraagency responsibilities.—

1. Assure planning, policy, and program coordination in programs serving high-risk pregnant women and high-risk preschool children and their families, within the following offices of the Department of Health and Rehabilitative Services:
 - a. Alcohol, Drug Abuse, and Mental Health.
 - b. Children's Medical Services.
 - c. Children, Youth, and Families.
 - d. Developmental Services.
 - e. Economic Services.

- f. Health.
- g. Medicaid.
2. Assure planning, policy, and program coordination in the following interprogram areas:
 - a. Transportation.
 - b. Migrant and refugee services.
 - c. Volunteer services.
 - d. Child abuse and neglect prevention, early intervention, and treatment.
 - e. Chapter I of Pub. L. No. 97-35.
3. Ensure, within available resources, the implementation of the continuum of comprehensive services in the service districts.
4. Serve as clearinghouse for the collection and dissemination of information relating to programs and services for high-risk pregnant women and for high-risk preschool children and their families, and programs aimed at preventing sexual activity and teenage pregnancy, including model and exemplary programs that have demonstrated effectiveness and beneficial outcomes.
5. Develop publications, including, but not limited to, directories, newsletters, public awareness documents, and other resource materials which assist agencies, programs, and families in meeting the needs of the high-risk population.
6. Provide technical assistance at the request of program offices, service districts, providers, advisory councils, and advocacy groups, and other agencies or entities with which the Department of Health and Rehabilitative Services has contracts or cooperative agreements.
7. Disseminate information regarding the availability of federal, state, and private grants which target teenagers at risk of pregnancy, high-risk pregnant women, and high-risk preschool children and their families.
8. Perform duties relating to the joint strategic plan as specified in s. 411.221.
 - (b) Interagency responsibilities.—
 1. Perform the joint functions related to the joint strategic plan as specified in s. 411.221.
 2. Prepare jointly with the Department of Education a memorandum of agreement pursuant to this section, or other cooperative agreements necessary to implement the requirements of this chapter.

3. Develop, in collaboration with the Department of Education, rules necessary to implement this chapter.

4. Perform the responsibilities enumerated in subparagraphs (a)4.-7. on a statewide basis in conjunction with the Office of Prevention, Early Assistance, and Child Development within the Department of Education.

5. Subject to appropriation, develop and implement a program of parenting workshops to assist and counsel the parents or guardians of students having disciplinary problems. These workshops should be made available to all families of students who have disciplinary problems. The department may provide these services directly or may enter into contracts with school districts for the provision of these services.

(4) STATE COORDINATING COUNCIL FOR EARLY CHILDHOOD SERVICES.—

(c) ~~Terms.—The initial members of the council shall be appointed before September 1, 1989. Each appointing authority in paragraph (b) shall appoint one member for a term of 1 year, one member for a term of 2 years, and all remaining members for a term of 3 years. Thereafter, all members shall be appointed to serve a term of 3 years. No member shall serve more than two consecutive terms. To the extent feasible, current members of the State Advisory Council on Early Childhood Education appointed pursuant to s. 228.0615, repealed by this act, and the Department of Health and Rehabilitative Services advisory council on child care appointed pursuant to s. 402.30, repealed by this act, shall be appointed to the State Coordinating Council for Early Childhood Services to serve the remainder of their current terms.~~

Reviser's note.—Amended to delete provisions that have served their purpose.

Section 8. Paragraph (d) of subsection (3) and paragraph (d) of subsection (4) of section 413.033, Florida Statutes, are amended to read:

413.033 Definitions.—As used in ss. 413.032-413.037:

(3) “Qualified nonprofit agency for the blind” means an agency:

(d) Which meets the criteria for determining nonprofit status under the provisions of s. 196.195 and is registered and in good standing as a charitable organization with the Department of Agriculture and Consumer Services State under the provisions of chapter 496.

(4) “Qualified nonprofit agency for other severely handicapped” means an agency:

(d) Which meets the criteria for determining nonprofit status under the provisions of s. 196.195 and is registered and in good standing as a charitable organization with the Department of Agriculture and Consumer Services State under the provisions of chapter 496.

Reviser's note.—Amended to conform to ch. 91-208, Laws of Florida, which provides for registration of charitable organizations and to ch. 94-

287, Laws of Florida, which provides for submittal of registration statements to the Department of Agriculture and Consumer Services.

Section 9. Subsections (4) and (23) of section 415.102, Florida Statutes, are amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(4) “Caregiver” means a person who has been entrusted with or has assumed the responsibility for frequent and regular care of or services to a disabled adult or an elderly person on a temporary or permanent basis and who has a commitment, agreement, or understanding with that person or that person’s guardian that a caregiver role exists. “Caregiver” includes, but is not limited to, relatives, household members, guardians, neighbors, and employees and volunteers of facilities as defined in subsection (13)(40). For the purpose of departmental investigative jurisdiction, the term “caregiver” does not include law enforcement officers or employees of municipal or county detention facilities or the Department of Corrections while acting in an official capacity.

(23) “Perpetrator” means the person who has been named as causing abuse, neglect, or exploitation of a disabled adult or an elderly person in a report that has been classified as confirmed.

Reviser’s note.—Subsection (4) is amended to conform to the redesignation of subsection (10), defining “Facility,” as subsection (13) by s. 94, ch. 95-418, Laws of Florida. Subsection (23) is amended to improve clarity and facilitate correct interpretation.

Section 10. Paragraph (a) of subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility adult ~~congregate living facility~~ staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. Human rights advocacy committee or long-term care ombudsman council member; or

7. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

Reviser's note.—Amended to conform to s. 3, ch. 95-209, Laws of Florida, which redesignated the term “Adult Congregate Living Facility” as “Assisted Living Facility.”

Section 11. Paragraph (b) of subsection (3) of section 415.1051, Florida Statutes, is amended to read:

415.1051 Protective services interventions when capacity to consent is lacking; nonemergencies; emergencies; orders; limitations.—

(3) PROTECTIVE SERVICES ORDER.—In ordering any protective services under this section, the court shall adhere to the following limitations:

(b) Protective services ordered may not include a change of residence, unless the court specifically finds such action is necessary to ameliorate the conditions creating the abuse, neglect, or exploitation and the court gives specific approval for such action in the order. Placement may be made to such facilities as adult family-care homes, assisted living facilities ~~adult congregate living facilities~~, or nursing homes, or to other appropriate facilities. Placement may not be made to facilities for the acutely mentally ill, except as provided in chapter 394.

Reviser's note.—Amended to conform to s. 3, ch. 95-209, Laws of Florida, which redesignated the term “Adult Congregate Living Facility” as “Assisted Living Facility.”

Section 12. Paragraph (f) of subsection (1) and paragraph (c) of subsection (2) of section 415.1055, Florida Statutes, are amended to read:

415.1055 Notification to administrative entities, subjects, and reporters; notification to law enforcement and state attorneys.—

(1) NOTIFICATION TO ADMINISTRATIVE ENTITIES.—

(f) If at any time during a protective investigation the department has reasonable cause to believe that an employee of a facility, as defined in s. ~~415.102(13)~~ 415.102(10), is the alleged perpetrator of abuse, neglect, or exploitation of a disabled adult or an elderly person, the department shall notify the Agency for Health Care Administration, Division of Health Quality Assurance, in writing.

(2) NOTIFICATION TO OTHER PERSONS.—

(c) If a report is closed without classification, notice must be given to the guardian of the disabled adult or elderly person, the disabled adult or elderly

person, the caregiver of that person, any person or facility named in the report, and the person who had been named as the alleged perpetrator. The notice must be sent by regular mail and must advise the recipient that:

1. The report will be retained for 7 years.
2. The recipient has a right to request a copy of this report.
3. Any person or facility named in a report classified as closed without classification has the right to request amendment or expunction of the report within 60 days after the receipt of the notice, and that failure to request amendment or expunction within 60 days means that the report will remain classified as closed without classification ~~classified~~ and that the person agrees not to contest the classification of the report. No further proceeding will be allowed in this matter.

Reviser's note.—Paragraph (1)(f) is amended to conform to the redesignation of s. 415.102(10), defining "Facility," as s. 415.102(13), by s. 94, ch. 95-418, Laws of Florida. Paragraph (2)(c) is amended to improve clarity and facilitate correct interpretation.

Section 13. Paragraph (c) of subsection (2) of section 415.50171, Florida Statutes, is amended to read:

415.50171 Family services response system; reports of child-on-child sexual abuse.—

(2) District staff, at a minimum, shall adhere to the following procedures:

(c) The assessment of risk and the perceived treatment needs of the alleged juvenile sexual offender, the victim, and respective caregivers shall be conducted by the district staff, the child protection team, and other providers under contract with the department to provide services to the caregiver of the alleged offender, ~~the alleged offender's caregiver~~, the victim, and the victim's caregiver.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 14. Subsection (2) of section 440.106, Florida Statutes, is amended to read:

440.106 Civil remedies; administrative penalties.—

(2) Whenever a physician, osteopath, chiropractor, podiatrist, or other practitioner is determined to have violated s. 440.105, the Board of ~~Medicine Medical Examiners~~ as set forth in chapter 458, the Board of Osteopathic ~~Medicine Medical Examiners~~ as set forth in chapter 459, the Board of Chiropractic as set forth in chapter 460, the Board of Podiatric Medicine as set forth in chapter 461, or other appropriate licensing authority, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopath, chiropractor, or other practitioner.

Reviser's note.—Amended to conform to s. 4, ch. 86-245, Laws of Florida, which redesignated the Board of Medical Examiners as the Board of

Medicine. Amended to conform to s. 85, ch. 92-149, Laws of Florida, which redesignated the Board of Osteopathic Medical Examiners as the Board of Osteopathic Medicine.

Section 15. Subsection (2) of section 443.175, Florida Statutes, is amended to read:

443.175 Pilot project; reports of hiring practices; use of data for fraud prevention and early unemployment compensation recoupment.—

(2) Effective January 1, 1995, each employer subject to the reporting requirements of this chapter with 250 or more employees and each employer participating in the pilot project shall provide to the Department of Labor and Employment Security a report listing the employer's unemployment compensation identification number. The report must also provide, as specified by rule of the Department of Labor and Employment Security, the name and social security number of each new employee or rehired employee at the end of the first pay period following employment or reemployment. If the pay period is less than 14 days, the employer shall submit the report within 14 days of employing or reemploying the employee ~~employer~~. An employer is not required to submit an employee's name and social security number if the employee is not currently employed at the time the report is submitted.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 16. Subsection (2) of section 446.011, Florida Statutes, is amended to read:

446.011 Declaration of legislative intent with respect to apprenticeship training.—

(2) It is the intent of the Legislature that the Division of Jobs and Benefits of the Department of Labor and Employment Security have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of Applied Technology and Adult ~~Vocational, Adult, and Community~~ Education of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Jobs and Benefits.

Reviser's note.—Amended to conform to s. 13, ch. 94-232, Laws of Florida, which redesignated the Division of Vocational, Adult, and Community Education as the Division of Applied Technology and Adult Education.

Section 17. Subsection (8) of section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of division.—The Division of Jobs and Benefits shall:

(8) Cooperate with and assist the Division of Applied Technology and Adult ~~Vocational, Adult, and Community~~ Education of the Department of

Education and appropriate career education institutions in the development of viable apprenticeship and preapprenticeship programs.

Reviser's note.—Amended to conform to s. 13, ch. 94-232, Laws of Florida, which redesignated the Division of Vocational, Adult, and Community Education as the Division of Applied Technology and Adult Education.

Section 18. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The Division of ~~Applied Technology and Adult Vocational, Adult, and Community~~ Education of the Department of Education, under regulations established by the State Board of Education, is authorized to administer the provisions of ss. 446.011-446.092 that relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) The Division of ~~Applied Technology and Adult Vocational, Adult, and Community~~ Education, the district school boards, the community college district boards of trustees, and the Division of Jobs and Benefits shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Reviser's note.—Amended to conform to s. 13, ch. 94-232, Laws of Florida, which redesignated the Division of Vocational, Adult, and Community Education as the Division of Applied Technology and Adult Education.

Section 19. Subsection (2) of section 446.25, Florida Statutes, is amended to read:

446.25 Implementation.—

(2) Primary responsibility for the development and coordination of the program shall rest with the Department of Labor and Employment Security, which shall promulgate rules to establish program guidelines. The service delivery areas shall coordinate services such as basic skills training, medical and social services, and transportation for the disadvantaged with the Department of Education, State Board of Community Colleges, Department of Health and Rehabilitative Services, Commission for the Transportation Disadvantaged ~~Transportation Disadvantaged Commission~~ of the Department of Transportation, and other agencies as needed.

Reviser's note.—Amended to conform to s. 64, ch. 94-237, Laws of Florida, which redesignated the Transportation Disadvantaged Commission as the Commission for the Transportation Disadvantaged.

Section 20. Paragraph (b) of subsection (1) and subsection (7) of section 482.2267, Florida Statutes, are amended to read:

.....
(Note: The distance specified shall be limited to those properties adjacent and contiguous to the person's primary residence unless the physician is board certified in one of the specialties ~~specialities~~ specified in paragraph 2 above. In any event, the distance may not exceed a 1/2-mile radius of the boundaries of the property where the patient resides and must not exceed the minimum distance required to protect the applicant's health).

5. The pesticide(s) or class of pesticides for which I have determined that prior notification to the person of the application within the area indicated above is necessary to protect the person's health is (are):

.....
Signature of Certifying Physician Date

.....
(Print name of Certifying Physician)

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 21. Subsection (2) of section 483.308, Florida Statutes, is amended to read:

483.308 Medical director of center.—

(2) The medical director shall order all requests by the center for analyses to be conducted by clinical laboratories with respect to specimens collected at the center. The results of such analyses, together with the results of any measurements or other testing procedures performed at the center, including electrocardiographic interpretations, shall be released to the medical director. The medical director of a consumer multiphasic health testing center shall read, interpret, and sign the results before they are released by the center to the patient. The medical director of a contract multiphasic health testing center shall read, interpret, and sign the results before they are released to the patient or may authorize the medical director of the contracting employer to read, interpret, and sign the results before they are released to the patient. Such secondary authorization by the medical director of the contract multiphasic health testing center does not operate to cede liability or responsibility for the test results to the medical director of the contracting employer. As a part of the required interpretation of any results from analyses conducted by a clinical laboratory, the medical director is responsible for determining whether the results indicate further medical advice or intervention is necessary. If the medical director so determines, then a statement to that effect must be included with the results together with a statement that the patient should seek medical advice from his physician or the county medical society with specific reference to the society's name, address, and telephone number. Notification under this subsection paragraph must be made by regular mail.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 22. Paragraph (b) of subsection (7) of section 489.521, Florida Statutes, is amended to read:

489.521 Business organizations; qualifying agents.—

(7)

(b) The registration or certification number of a contractor shall be stated in each offer of services, business proposal, or advertisement, regardless of medium, used by that contractor. For the purposes of this part, the term “advertisement” does not include business stationery or any promotional novelties such as balloons, pencils, trinkets, or articles of clothing. The board shall assess a fine of not less than \$100 or issue a citation to any contractor who fails to include that contractor’s certification or registration number when submitting an advertisement for publication, broadcast, or printing. In addition, any person who claims in any advertisement to be a certified or registered contractor, but who does not hold a valid state certification or registration, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Reviser’s note.—Amended to improve clarity and facilitate correct interpretation.

Section 23. Subsection (2) of section 499.028, Florida Statutes, is amended to read:

499.028 Drug samples or complimentary drugs; starter packs; permits to distribute.—

(2) A person may not sell, purchase, or trade or offer to sell, purchase, or trade any drug sample. An officer or executive of a drug manufacturer or distributor is not subject to criminal liability solely because of a sale, purchase, trade, or offer to sell, purchase, or trade of a drug sample in violation of this subsection ~~paragraph~~ by other employees of the manufacturer or distributor.

Reviser’s note.—Amended to improve clarity and facilitate correct interpretation.

Section 24. Paragraph (c) of subsection (3) of section 501.203, Florida Statutes, is amended to read:

501.203 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(3) “Violation of this part” means any violation of this act and may be based upon any of the following:

(c) Any law, statute, rule, regulation, or ordinance which proscribes unfair methods of competition, or unfair, deceptive, or unconscionable acts or practices.

Reviser’s note.—Amended to improve clarity and facilitate correct interpretation.

Section 25. Subsection (4) of section 513.065, Florida Statutes, is amended to read:

513.065 Enforcement; citations.—

(4) Citations shall contain a conspicuous written notice of the permittee's right to request a hearing under chapter 120 within 21 days after the date of receiving the citation and shall contain a description of the procedures to be followed to request such a hearing. Citations shall contain a conspicuous statement that if the permittee fails to timely request an administrative hearing, the permittee may be deemed to have waived the right to an administrative hearing. The statement shall also warn that if the permittee does not request a hearing, the citation becomes final agency action and if the permittee fails to pay the fine within 60 days after the date of receiving the citation, the permittee will be required to pay the maximum fine or penalty.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 26. Paragraph (c) of subsection (1) of section 518.11, Florida Statutes, is amended to read:

518.11 Investments by fiduciaries; prudent investor rule.—

(1) A fiduciary has a duty to invest and manage investment assets as follows:

(c) The fiduciary has a duty to diversify the investments unless, under the circumstances, the fiduciary believes reasonably it is in the interests of the beneficiaries and furthers the purposes of the trust, guardianship, or estate state not to diversify.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 27. Subsection (1) of section 550.054, Florida Statutes, is amended to read:

550.054 Application for permit to conduct pari-mutuel wagering.—

(1) Any person who possesses the qualifications prescribed in this chapter may apply to the division for a permit to conduct pari-mutuel operations under this chapter. Applications for a pari-mutuel permit are exempt from the 90-day licensing requirement of or s. 120.60. Within 120 days after receipt of a complete application, the division shall grant or deny the permit. A completed application that is not acted upon within 120 days after receipt is deemed approved, and the division shall grant the permit.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 28. Subsection (9) of section 550.105, Florida Statutes, is amended to read:

550.105 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines.—

(9) Upon application for an occupational license, the division may require the applicant's full legal name; any nickname, alias, or maiden name for the applicant; name of the applicant's spouse; the applicant's date of birth, residence address, mailing address, residence address and business phone number, and social security number; disclosure of any felony or any conviction involving bookmaking, illegal gambling, or cruelty to animals; disclosure of any past or present enforcement or actions by any racing or gaming agency against the applicant; and any information the division determines is necessary to establish the identity of the applicant or to establish that the applicant is of good moral character. Fingerprints shall be taken in a manner approved by the division and then shall be submitted to the Federal Bureau of Investigation, or to the association of state officials regulating pari-mutuel wagering pursuant to the Federal Pari-mutuel Licensing Simplification Act of 1988. The cost of processing fingerprints shall be borne by the applicant and paid to the association of state officials regulating pari-mutuel wagering from the trust fund to ~~the~~ which the processing fees are deposited. The division shall require each applicant for an occupational license to have the applicant's signature witnessed and notarized or signed in the presence of a division official. The division, by rule, may require additional information from licensees which is reasonably necessary to regulate the industry. The division may, by rule, exempt certain occupations or groups of persons from the fingerprinting requirements.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 29. Paragraph (b) of subsection (1) of section 550.1815, Florida Statutes, is amended to read:

550.1815 Certain persons prohibited from holding racing or jai alai permits; suspension and revocation.—

(1) A corporation, general or limited partnership, sole proprietorship, business trust, joint venture, or unincorporated association, or other business entity may not hold any horseracing or dogracing permit or jai alai fronton permit in this state if any one of the persons or entities specified in paragraph (a) has been determined by the division not to be of good moral character or has been convicted of any offense specified in paragraph (b).

- (b)1. A felony in this state;
2. Any felony in any other state which would be a felony if committed in this state under the laws of this state;
3. Any felony under the laws of the United States;
4. A felony under the laws of another state if related to gambling which would be a felony under the laws of this state if committed in this state; or
5. Bookmaking as defined in s. 849.25.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 30. Subsection (1) of section 550.235, Florida Statutes, is amended to read:

550.235 **Conniving to prearrange result of race or jai alai game; using medication or drugs on horse or dog; penalty.—**

(1) Any person who influences, or has any understanding or connivance with, any owner, jockey, groom, or other person associated with or interested in any stable, kennel, horserace, dograce, or jai alai game, in which any horse, dog, or jai alai player participates, to prearrange or predetermine the results of any such race or game, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 31. Subsections (3) and (4) of section 550.2614, Florida Statutes, are amended to read:

550.2614 **Distribution of certain funds to a horsemen's association.—**

(3) Upon receiving a state license, each thoroughbred owner and trainer shall receive automatic membership in the horsemen's association as defined in subsection (1) and be counted on the membership rolls ~~roles~~ of that association, unless, within 30 calendar days after receipt of license from the state, the individual declines membership in writing, to the association as defined in subsection (1).

(4) The division shall adopt rules to facilitate the orderly transfer of funds in accordance with this section. The division shall also monitor the membership rolls ~~roles~~ of the horsemen's association to ensure that complete, accurate, and timely listings are maintained for the purposes specified in this section.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 32. Subsection (12) of section 559.809, Florida Statutes, is amended to read:

559.809 **Prohibited acts.—Business opportunity sellers shall not:**

(12) Misrepresent their ability or the ability of a person or entity providing services as defined in s. 559.801(1)(a) to provide locations or assist the purchaser in finding locations expected to have a positive impact on the success of the business opportunity.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 33. Subsection (1) of section 559.916, Florida Statutes, is amended to read:

559.916 **Required disclosure; signs; notice to customers.—**

(1) The department shall prescribe, by rule, the specifications for a sign to be posted by all registered motor vehicle repair shops in a manner conspicuous to the public. The sign shall contain the toll-free telephone number of the department for consumer information and assistance and shall inform customers that they may request, at the time the work order is taken, the return or inspection of all parts that have been replaced during the motor vehicle repair.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 34. Subsection (7) of section 561.42, Florida Statutes, is amended to read:

561.42 Tied house evil; financial aid and assistance to vendor by manufacturer or distributor prohibited; procedure for enforcement; exception.—

(7) The extension or receiving of credits in violation of this section shall be considered as an arrangement for financial assistance and shall constitute a violation of the Beverage Law Act and any maneuver, shift, or device of any kind by which credit is extended contrary to the provisions of this section shall be considered a violation of the Beverage Law Act.

Reviser's note.—Amended to improve clarity and provide contextual consistency. Chapters 561, 562, 563, 564, 565, 567, and 568, collectively, are defined as the Beverage Law by s. 561.01(6).

Section 35. Paragraph (i) of subsection (16) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(16) To enforce the state laws and rules relating to:

(i) Foods, as set forth in the Florida Food Safety Act ~~Food, Drug, and Cosmetic Law~~;

Reviser's note.—Amended to conform to s. 2, ch. 82-225, Laws of Florida, which redesignated the Florida Food, Drug, and Cosmetic Law as the Florida Food Act and s. 2, ch. 94-180, Laws of Florida, which redesignated the Florida Food Act as the Florida Food Safety Act.

Section 36. Paragraph (b) of subsection (1) of section 570.15, Florida Statutes, is amended to read:

570.15 Access to places of business and vehicles.—

(1)

(b) The department may examine and open any package or container of any kind containing or believed to contain any article or product which may be transported, manufactured, sold, or offered for sale in violation of the provisions of this chapter, the rules of the department, or the laws which the

department enforces and may inspect the contents and take samples for analysis.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 37. Paragraph (d) of subsection (5) of section 403.7895, Florida Statutes (1996 Supplement), is amended to read:

403.7895 Requirements for the permitting and certification of commercial hazardous waste incinerators.—

(5) HAZARDOUS WASTE NEEDS AND CAPACITY STUDY.—

(d) Upon completion of the study, the department shall present its findings and make recommendations to the board and the Legislature regarding changes in state hazardous waste policies and management strategies. The recommendations shall address the advisability of if establishing by statute the maximum capacity for hazardous waste incineration in this state.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 38. Subsection (5) of section 403.9328, Florida Statutes (1996 Supplement), is amended to read:

403.9328 Alteration and trimming of mangroves; permit requirement.—

(5) A permit is not required under ss. 403.9321-403.9333 to trim or alter mangroves if the trimming or alteration ~~alternation~~ is part of an activity that is exempt under s. 403.813 or is permitted under part IV of chapter 373. The procedures for permitting under part IV of chapter 373 will control in those instances.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 39. Subsection (4) of section 403.9615, Florida Statutes (1996 Supplement), is amended to read:

403.9615 Plan amendment required.—In the event that an amendment to one or more local government comprehensive plans would be needed to make a project consistent with applicable local government comprehensive plans, the following process shall apply:

(4) In the event an affected person as defined in s. 163.3184(1)(a) files a petition challenging the notice of intent issued by the Department of Community Affairs within 21 days of the publication of the notice, the petition shall constitute a request for a certification hearing pursuant to s. 403.962 and such proceeding shall be consolidated into the certification hearing. The petition shall separately state with reasonable particularity the ~~to~~ factual and legal bases for the challenge.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 40. Paragraph (a) of subsection (4) of section 408.061, Florida Statutes (1996 Supplement), is amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidentiality of patient records; immunity.—

(4)(a) Within 120 days after the end of its fiscal year, each health care facility shall file with the agency, on forms adopted by the agency and based on the uniform system of financial reporting, its actual financial experience for that fiscal year, including expenditures, revenues, and statistical measures. Such data may be based on internal financial reports which are certified to be complete and accurate by the provider. However, hospitals' actual financial experience shall be their audited actual experience. Nursing homes that do not participate in the Medicare or Medicaid programs shall also submit audited actual experience. Every nursing home shall submit to the agency, in a format designated by the agency, a statistical profile of the nursing home residents. The agency, in conjunction with the Department of ~~Elderly Elder~~ Affairs and the Department of Health and Rehabilitative Services, shall review these statistical profiles and develop recommendations for the types of residents who might more appropriately be placed in their homes or other noninstitutional settings. The agency shall include its findings in the final Florida Health Plan which must be submitted to the Legislature by December 31, 1993. Included in the findings shall be outcome data and cost differential data as part of patient profiles.

Reviser's note.—Amended to conform to s. 1, ch. 91-115, Laws of Florida, which created the Department of Elderly Affairs.

Section 41. Section 409.25645, Florida Statutes (1996 Supplement), is amended to read:

409.25645 Administrative orders for genetic testing.—The department is authorized to institute one or more pilot programs using administrative orders to require genetic testing in Title IV-D cases. In such cases the department or an authorized agent may issue an administrative order to a putative father who has not voluntarily submitted to genetic testing, directing him to appear for a genetic test to determine the paternity of a child, provided that the department shall have no authority to issue such an order in the absence of an affidavit of the child's mother stating that the putative father is or may be a parent of the child. The administrative order shall state:

- (1) The type of genetic test that will be used.
- (2) The date, time, and place to appear for the genetic test.
- (3) That upon failure to appear for the genetic test, or refusal to be tested, the department shall file a petition in circuit court to establish paternity and support.

A copy of the affidavit which is the basis for the issuance of the administrative order shall be attached to the order. The administrative order is exempt

from the hearing provisions in chapter 120, because the person to whom it is directed shall have an opportunity to object in circuit court in the event the department pursues the matter by filing a petition in circuit court. The department may serve the administrative order to appear for a genetic test by regular mail. In any case in which more than one putative father has been identified, the department ~~may~~ ~~my~~ proceed under this section with respect to all putative fathers. If the department receives a request from another state Title IV-D agency to assist in the establishment of paternity, the department may cause an administrative order to appear for a genetic test to be served on a putative father who resides in Florida.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 42. Section 409.906, Florida Statutes (1996 Supplement), is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Optional services may include:

(1) ADULT DENTURE SERVICES.—The agency may pay for dentures, the procedures required to seat dentures, and the repair and reline of dentures, provided by or under the direction of a licensed dentist, for a recipient who is age 21 or older.

(2) ADULT HEALTH SCREENING SERVICES.—The agency may pay for an annual routine physical examination, conducted by or under the direction of a licensed physician, for a recipient age 21 or older, without regard to medical necessity, in order to detect and prevent disease, disability, or other health condition or its progression.

(3) AMBULATORY SURGICAL CENTER SERVICES.—The agency may pay for services provided to a recipient in an ambulatory surgical center licensed under part I of chapter 395, by or under the direction of a licensed physician or dentist.

(4) BIRTH CENTER SERVICES.—The agency may pay for examinations and delivery, recovery, and newborn assessment, and related services, provided in a licensed birth center staffed with licensed physicians, certified nurse midwives, and midwives licensed in accordance with chapter 467, to a recipient expected to experience a low-risk pregnancy and delivery.

(5) CASE MANAGEMENT SERVICES.—The agency may pay for primary care case management services rendered to a recipient pursuant to a

federally approved waiver, and targeted case management services for specific groups of targeted recipients, for which funding has been provided and which are rendered pursuant to federal guidelines. The agency is authorized to limit reimbursement for targeted case management services in order to comply with any limitations or directions provided for in the General Appropriations Act.

(6) **CHILDREN'S DENTAL SERVICES.**—The agency may pay for diagnostic, preventive, or corrective procedures, including orthodontia in severe cases, provided to a recipient under age 21, by or under the supervision of a licensed dentist. Services provided under this program include treatment of the teeth and associated structures of the oral cavity, as well as treatment of disease, injury, or impairment that may affect the oral or general health of the individual.

(7) **CHIROPRACTIC SERVICES.**—The agency may pay for manual manipulation of the spine and initial services, screening, and X rays provided to a recipient by a licensed chiropractic physician.

(8) **COMMUNITY MENTAL HEALTH SERVICES.**—The agency may pay for rehabilitative services provided to a recipient by a mental health or substance abuse provider licensed by the agency and under contract with the agency or the Department of Health and Rehabilitative Services to provide such services. Those services which are psychiatric in nature shall be rendered or recommended by a psychiatrist, and those services which are medical in nature shall be rendered or recommended by a physician or psychiatrist. The agency is authorized to utilize diagnostic criteria in setting reimbursement rates, to preauthorize certain high-cost or highly utilized services, to limit or eliminate coverage for certain services, or to make any other adjustments necessary to comply with any limitations or directions provided for in the General Appropriations Act.

(9) **DIALYSIS FACILITY SERVICES.**—Subject to specific appropriations being provided for this purpose, the agency may pay a dialysis facility that is approved as a dialysis facility in accordance with Title XVIII of the Social Security Act, for dialysis services that are provided to a Medicaid recipient under the direction of a physician licensed to practice medicine or osteopathic medicine in this state, including dialysis services provided in the recipient's home by a hospital-based or freestanding dialysis facility.

(10) **DURABLE MEDICAL EQUIPMENT.**—The agency may authorize and pay for certain durable medical equipment and supplies provided to a Medicaid recipient as medically necessary.

(11) **HEARING SERVICES.**—The agency may pay for hearing and related services, including hearing evaluations, hearing aid devices, dispensing of the hearing aid, and related repairs, if provided to a recipient by a licensed hearing aid specialist, otolaryngologist, otologist, audiologist, or physician.

(12) **HOME AND COMMUNITY-BASED SERVICES.**—The agency may pay for home-based or community-based services that are rendered to a recipient in accordance with a federally approved waiver program.

(13) HOSPICE CARE SERVICES.—The agency may pay for all reasonable and necessary services for the palliation or management of a recipient's terminal illness, if the services are provided by a hospice that is licensed under part VI of chapter 400 and meets Medicare certification requirements.

(14) INTERMEDIATE CARE FACILITY FOR THE DEVELOPMENTALLY DISABLED SERVICES.—For the purposes of Medicaid reimbursement, “intermediate care facility for the developmentally disabled services” means services provided by a facility which is owned and operated by the state and to which the agency may pay for health-related care and services provided on a 24-hour-a-day basis, for a recipient who needs such care because of a developmental disability or related condition.

(15) INTERMEDIATE CARE SERVICES.—The agency may pay for 24-hour-a-day intermediate care nursing and rehabilitation services rendered to a recipient in a nursing facility licensed under part II of chapter 400, if the services are ordered by and provided under the direction of a physician.

(16) OPTOMETRIC SERVICES.—The agency may pay for services provided to a recipient, including examination, diagnosis, treatment, and management, related to ocular pathology, if the services are provided by a licensed optometrist or physician.

(17) PHYSICIAN ASSISTANT SERVICES.—The agency may pay for all services provided to a recipient by a physician assistant licensed under s. 458.347 or s. 459.022. Reimbursement for such services must be not less than 80 percent of the reimbursement that would be paid to a physician who provided the same services.

(18) PODIATRIC SERVICES.—The agency may pay for services, including diagnosis and medical, surgical, palliative, and mechanical treatment, related to ailments of the human foot and lower leg, if provided to a recipient by a podiatrist licensed under state law.

(19) PRESCRIBED DRUG SERVICES.—The agency may pay for medications that are prescribed for a recipient by a physician or other licensed practitioner of the healing arts authorized to prescribe medications and that are dispensed to the recipient by a licensed pharmacist or physician in accordance with applicable state and federal law.

(20) STATE HOSPITAL SERVICES.—The agency may pay for all-inclusive psychiatric inpatient hospital care provided to a recipient age 65 or older in a state mental hospital.

(21) VISUAL SERVICES.—The agency may pay for visual examinations, eyeglasses, and eyeglass repairs for a recipient, if they are prescribed by a licensed physician specializing in diseases of the eye or by a licensed optometrist.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 43. Subsection (16) of section 409.912, Florida Statutes (1996 Supplement), is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(16) An entity that contracts with the agency on a prepaid or fixed-sum basis for the provision of Medicaid services shall reimburse any hospital or physician that is outside the entity's authorized geographic service area as specified in its contract with the agency, and that provides services authorized by the entity to its members, at a rate negotiated with the hospital or physician for the provision of services or according to the lesser of the following:

(a) The usual and customary charges made to the general public by the hospital or physician; or

(b) The Florida Medicaid reimbursement rate established for the hospital or physician.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 44. Subsection (1) of section 414.027, Florida Statutes (1996 Supplement), is amended to read:

414.027 WAGES Program statewide implementation plan.—

(1) By December 31, 1996, the WAGES Program State Board of Directors shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a statewide plan for implementing the WAGES Program established under this chapter. At a minimum, the statewide implementation plan must include:

(a) Performance standards, measurement criteria, and contract guidelines for all services provided under the WAGES Program whether by state employees or contract providers.

(b) Directives for creating and chartering local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level.

(c) The approval of the implementation plans submitted by local WAGES coalitions.

(d) Recommendations for clarifying, or if necessary, modifying the roles of the state agencies charged with implementing the WAGES Program so that all unnecessary duplication is eliminated.

(e) Recommendations for modifying compensation and incentive programs for state employees in order to achieve the performance outcomes necessary for successful implementation of the WAGES Program.

(f) Criteria for allocating WAGES Program resources to local WAGES coalitions. Such criteria must include weighting factors that reflect the relative degree of difficulty associated with securing employment placements for specific subsets of the welfare transition caseload.

(g) The development of a performance-based payment structure to be used for all WAGES Program services, which takes into account the following:

1. The degree of difficulty associated with placing a WAGES Program participant in a job;
2. The quality of the placement with regard to salary, benefits, and opportunities for advancement; and
3. The employee's retention of the placement.

The payment structure shall provide not more than 40 percent of the cost of services provided to a WAGES participant prior to placement, 50 percent upon employment placement, and 10 percent if employment is retained for at least 6 months. The payment structure should provide bonus payments to providers that experience notable success in achieving long-term job retention with WAGES Program participants. The board shall consult with the workforce development board ~~Enterprise Florida Jobs and Education Partnership~~ in developing the WAGES Program statewide implementation plan.

Reviser's note.—Amended to conform to s. 112, ch. 96-320, Laws of Florida, which redesignated the Enterprise Florida Jobs and Education Partnership as the workforce development board.

Section 45. Section 414.028, Florida Statutes (1996 Supplement), is amended to read:

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level. The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the jobs and education regional board established under the workforce development board ~~Enterprise Florida Jobs and Education Partnership~~. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

(1)(a) Each local WAGES coalition must have a minimum of 11 members, of which at least one-half must be from the business community. The composition of the coalition membership must generally reflect the racial, gender, and ethnic diversity of the community as a whole. All members shall be appointed to 3-year terms. The membership of each coalition must include:

1. Representatives of the principal entities that provide funding for the employment, education, training, and social service programs that are operated in the service area, including, but not limited to, representatives of local government, the regional workforce development board, and the United Way.

2. A representative of the health and human services board.

3. A representative of a community development board.

4. Three representatives of the business community who represent a diversity of sizes of businesses.

5. Representatives of other local planning, coordinating, or service-delivery entities.

6. A representative of a grassroots community or economic development organization that serves the poor of the community.

(b) A representative of an agency or entity that could benefit financially from funds appropriated under the WAGES Program may not be a member of a local WAGES coalition.

(c) A member of the board of a public or private educational institution may not serve as a member of a local WAGES coalition.

(d) A representative of any county governing body that elects to provide services through the local WAGES coalition shall be an ex officio, nonvoting member of the coalition.

(2) A local WAGES coalition and a jobs and education regional board may be combined into one board if the membership complies with subsection (1), and if the membership of the combined board meets the requirements of Pub. L. No. 97-300, the federal Job Training Partnership Act, as amended, and with any law delineating the membership requirements for the regional workforce development boards. Notwithstanding paragraph (1)(b), in a region in which the duties of the two boards are combined, a person may be a member of the WAGES coalition even if the member, or the member's principal, could benefit financially from transactions of the coalition.

(3) The statewide implementation plan prepared by the WAGES Program State Board of Directors shall prescribe and publish the process for chartering the local WAGES coalitions.

(4) Each local WAGES coalition shall perform the planning, coordination, and oversight functions specified in the statewide implementation plan, including, but not limited to:

(a) Developing a program and financial plan to achieve the performance outcomes specified by the WAGES Program State Board of Directors for current and potential program participants in the service area. The plan must reflect the needs of service areas for seed money to create programs that assist children of WAGES participants.

(b) Developing a funding strategy to implement the program and financial plan which incorporates resources from all principal funding sources.

(c) Identifying employment, service, and support resources in the community which may be used to fulfill the performance outcomes of the WAGES Program.

(d) In cooperation with the jobs and education regional board, coordinating the implementation of one-stop career centers.

(e) Advising the Department of Health and Rehabilitative Services with respect to the competitive procurement of services under the WAGES Program.

(5) The WAGES Program State Board of Directors may not approve the program and financial plan of a local coalition unless the plan provides a teen pregnancy prevention component that includes, but is not necessarily limited to, a plan for implementing the Florida Education Now and Babies Later (ENABL) program under s. 411.242 and the Teen Pregnancy Prevention Community Initiative within each segment of the service area in which the childhood birth rate is higher than the state average.

(6) Local employees of the department and the Department of Labor and Employment Security shall provide staff support for the local WAGES coalitions. At the option of the local WAGES coalition, staff support may be provided by another agency or entity if it can be provided at no cost to the state and if the support is not provided by an agency or other entity that could benefit financially from funds appropriated to implement the WAGES Program.

Reviser's note.—Amended to conform to s. 112, ch. 96-320, Laws of Florida, which redesignated the Enterprise Florida Jobs and Education Partnership as the workforce development board.

Section 46. Paragraph (f) of subsection (1) of section 414.065, Florida Statutes (1996 Supplement), is amended to read:

414.065 Work requirements.—

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

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

also may be used to upgrade skills or prepare for a higher paying occupational area for a participant who is employed.

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

2. To the maximum extent possible, a provider of vocational education or training shall use funds provided by funding sources other than the department. The department may provide additional funds to a vocational education or training provider only if payment is made pursuant to a performance-based contract. Under a performance-based contract, the provider may be partially paid when a participant completes education or training, but the majority of payment shall be made following the participant's employment at a specific wage or job retention for a specific duration. Performance-based payments made under this subparagraph are limited to education or training for targeted occupations identified by the Occupational Forecasting Conference under s. 216.136, or other programs identified by the workforce development board ~~Enterprise Florida Jobs and Education Partnership~~. A contract with a community college or school district must conform to the provisions of ss. 239.249 and 240.40685.

Reviser's note.—Amended to conform to s. 112, ch. 96-320, Laws of Florida, which redesignated the Enterprise Florida Jobs and Education Partnership as the workforce development board.

Section 47. Section 414.105, Florida Statutes (1996 Supplement), is amended to read:

414.105 Time limitations of temporary assistance.—Unless otherwise expressly provided in this chapter, an applicant or current participant shall receive temporary assistance for episodes of not more than 24 cumulative months in any consecutive 60-month period that begins ~~beings~~ with the first month of participation and for not more than a lifetime cumulative total of 48 months as an adult.

(1) The time limitation for episodes of temporary 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 adult benefits, for cases in which the participant:

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

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

1. Has not completed a high school education or its equivalent; or

2. Had little or no work experience in the preceding year.

(2) Hardship exemptions to the time limitations of this chapter shall be limited to 10 percent of participants in the first year of implementation of this chapter, 15 percent of participants in the second year of implementation of this chapter, and 20 percent of participants in all subsequent years. Criteria for hardship exemptions include:

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

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

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

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

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

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

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

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

(5) For individuals who have moved from another state and have legally resided in this state for less than 12 months, the time limitation for temporary assistance shall be the shorter of the respective time limitations used

in the two states, and months in which assistance was received in any state shall count towards the cumulative 48-month benefit limit.

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

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

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

(9) An individual who is eligible for benefits under the Social Security Income (SSI) program due to age or disability is not subject to time limitations.

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

(11) This section shall be repealed on July 1, 2001, unless reenacted by the Legislature.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 48. Subsection (3) of section 414.36, Florida Statutes (1996 Supplement), is amended to read:

414.36 Public assistance overpayment recovery program; contracts.—

(3) The Economic Self-Sufficiency ~~Economic Services~~ Program Office of the department shall have responsibility for contract management and for monitoring and policy development functions relating to privatization of the public assistance overpayment recovery program.

Reviser's note.—Amended to conform to s. 5, ch. 96-403, Laws of Florida, which redesignated the Economic Services Program Office as the Economic Self-Sufficiency Program Office.

Section 49. Section 409.25625, Florida Statutes (renumbered as section 414.37, Florida Statutes, 1996 Supplement), is amended to read:

414.37 Public assistance overpayment recovery privatization; reemployment of laid-off career service employees.—Should career service employees of the Department of Health and Rehabilitative Services be subject to layoff after July 1, 1995, due to the privatization of public assistance overpayment recovery functions, the privatization contract shall require the contracting

firm to give priority consideration to employment of such employees. In addition, a task force composed of representatives from the Department of Health and Rehabilitative Services, the Department of Labor and Employment Security Services, and the Department of Management Services shall be established to provide reemployment assistance to such employees.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 50. Subsection (3) of section 458.3145, Florida Statutes (1996 Supplement), is amended to read:

458.3145 Medical faculty certificate.—

(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 ~~s. 485.311~~, 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.

Reviser's note.—Amended to facilitate correct interpretation. There is no chapter 485.

Section 51. Subsection (11) of section 489.131, Florida Statutes (1996 Supplement), is amended to read:

489.131 Applicability.—

(11) Any municipal or county government which enters or has in place a reciprocal agreement which accepts a certificate of competency or license issued by another municipal or county government in lieu of its own certificate of competency or license allowing contractors defined in s. 489.105(3)(a)-(o), shall file a certified copy of such agreement with the board not later than 60 days after July 1, 1993, or 30 days after the effective date of such agreement.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 52. Subsection (4) of section 489.555, Florida Statutes (1996 Supplement), is amended to read:

489.555 Certification of partnerships and corporations.—

(4) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary

action against a registered septic tank contractor or master septic tank contractor.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 53. Subsection (5) of section 497.129, Florida Statutes (1996 Supplement), is amended to read:

497.129 Cease and desist order; civil penalty; enforcement.—

(5) In addition to or in lieu of any remedy provided in subsection (1), the board or the department may seek the imposition of a civil penalty through the circuit court for any violation for which the board or the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than the \$500 and no more than \$5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney's fees and, in the event the board or the department prevails, may also award reasonable costs of investigation.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Section 54. Paragraph (a) of subsection (3) of section 597.004, Florida Statutes (1996 Supplement), is amended to read:

597.004 Aquaculture certificate of registration.—

(3) IDENTIFICATION OF AQUACULTURE PRODUCTS.—Aquaculture products shall be identified while possessed, processed, transported, or sold as provided in this subsection, except those subject to the requirements of chapter 372 and the rules of the Game and Fresh Water Fish Commission.

(a) Aquaculture products shall be identified by an aquaculture certificate of registration number from harvest to point of sale. Any person who possesses aquaculture products must show, by appropriate receipt, bill of sale, bill of lading ~~laden~~, or other such manifest where the product originated.

Reviser's note.—Amended to improve clarity and facilitate correct interpretation.

Became a law without the Governor's approval May 24, 1997.

Filed in Office Secretary of State May 23, 1997.