

## CHAPTER 97-79

### Senate Bill No. 702

An act relating to advisory bodies and other governmental entities; amending s. 20.13, F.S.; deleting a reference to a Bureau of Insurance Systems in the Department of Insurance; transferring, renumbering, and amending s. 14.30, F.S.; transferring the Commission on Government Accountability to the People from the Executive Office of the Governor to the Department of Management Services; transferring commission powers, duties, rules, appropriations, and personnel; amending s. 14.203, F.S., relating to the State Council on Competitive Government; correcting a cross-reference; amending s. 27.36, F.S., to conform to the abolition of the Council on Organized Crime; amending s. 228.0875, F.S.; terminating the Governor's Summer Colleges Council; amending s. 230.71, F.S.; terminating the Intergenerational School Volunteer Advisory Board; amending s. 239.505, F.S.; terminating the Advisory Board on Constructive Youth Programs; repealing ss. 288.973, 288.974, F.S., to terminate the Florida Defense Conversion and Transition Commission and its powers and duties; amending s. 288.1045, F.S., to conform; amending s. 408.033, F.S., relating to local and state health planning; terminating the Statewide Health Council; amending ss. 186.022, 186.508, 240.5121, 395.604, 408.038, 408.039, 408.0455, F.S., and repealing ss. 186.003(9), 186.503(9), relating to definitions of the council, to conform; repealing chapter 30280, Laws of Florida, 1955, as amended, to terminate the Clay County Hospital District and the Clay County Hospital Authority; repealing chapter 57-700, Laws of Florida, as amended, to terminate the Suwannee River Authority; repealing chapter 59-1939, Laws of Florida, as amended, to terminate the Union County Development Authority; repealing chapter 67-2027, Laws of Florida, to terminate the Santa Rosa County Airport and Industrial Authority; repealing chapter 71-926, Laws of Florida, to terminate the Sumter County Hospital Authority; repealing s. 79, ch. 90-201, Laws of Florida, to terminate the International Language Institute Advisory Council; repealing s. 1, ch. 90-232, Laws of Florida, to terminate the Task Force on County Contributions to Medicaid; repealing proviso language in s. 1, ch. 91-193, Laws of Florida, to terminate the Task Force on Productivity Enhancement; repealing s. 63, ch. 93-164, Laws of Florida, to terminate the Commission to Study the Safety and Security of Railroad-Highway Grade Crossings; repealing ss. 23, 24, ch. 94-292, Laws of Florida, to terminate the Florida Education Facilities Study Committee; repealing proviso language in s. 1A, ch. 94-357, Laws of Florida, to terminate the Commission on Long-Term Care in Florida; providing effective dates.

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

Section 1. Subsection (5) of section 20.13, Florida Statutes, is amended to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(5) A Bureau of Financial and Support Services and a Bureau of Information Systems is created within the Division of Administration.

Section 2. Section 14.30, Florida Statutes, is transferred, renumbered as section 286.30, Florida Statutes, and amended to read:

286.30 ~~14.30~~ Commission on Government Accountability to the People.—

(1) There is created the Commission on Government Accountability to the People.

(2) The commission shall consist of 15 members appointed by the Governor, subject to confirmation by the Senate, with 9 members from the private sector and 6 members from the public sector. The members shall serve 4-year terms. Of the initial appointees, terms shall be staggered as follows: three members shall hold 1-year terms; four members shall hold 2-year terms; four members shall hold 3-year terms; and four members shall hold 4-year terms. The Governor shall fill all vacancies. Upon the request of the chair of the commission or upon his or her own initiative, the Governor may replace members who are absent from two commission meetings within any calendar year.

(3) The Governor shall appoint the initial chair. Subsequent chairs shall be elected by a majority vote of the commission, shall serve 1-year terms, and shall be eligible for reelection. The commission shall elect the vice chair from its membership.

(4) The commission shall hold a minimum of four regular meetings during the calendar year. Additional meetings may be called by the chair, or upon written request of a majority of the members of the commission. All meetings of the commission are public in accordance with the provisions of s. 286.011.

(5) The commission may establish such committees as it deems necessary to execute its powers and duties.

(6) Members of the commission shall not receive compensation for their service; however, they shall be entitled to per diem and travel expenses pursuant to s. 112.061. Public sector members shall perform their commission duties in addition to fulfilling their regular public duties.

(7) The commission shall be assigned to the Department of Management Services Executive Office of the Governor for administrative and fiscal accountability purposes, and the Department of Management Services Executive Office of the Governor shall provide administrative support and services to the commission; otherwise, the commission shall function independently of the control and direction of the Department of Management Services Governor.

(8) The commission shall, by majority vote, employ and set the compensation of an executive director, who shall serve at the pleasure of the commission.

(9) The commission may adopt and enforce reasonable procedures necessary to facilitate the studies and reviews it is authorized to perform.

(10) The commission shall track the impact of state agency actions upon the well-being of Florida citizens by:

(a) Serving as a citizen board to review state agency performance, using agency strategic plans, reports from the Auditor General, the Executive Office of the Governor, and state agency internal auditors and inspectors general, and other sources as needed.

(b) Holding public hearings to allow state agencies which are operating under a performance-based program budget pursuant to s. 216.0172 the opportunity to explain factors which contributed to their success or failure in meeting performance measures.

(c) Receiving testimony from the public as to state agency performance.

(d) Assessing the progress of state agencies in meeting their missions, goals, and objectives.

(e) Making recommendations which could enhance the productivity of agencies, encourage continued agency improvement, ensure achievement of adopted performance standards, and assist state government in improving the efficiency and effectiveness of the services and products it provides.

(f) Preparing and submitting, by July 1 of each year, a report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability a report summarizing the activities and findings of all assessments made by the commission.

State agencies shall cooperate with the commission and shall provide data and information available to enable the commission to perform its functions. The Executive Office of the Governor and the Auditor General may provide assistance, within available resources, to the commission as necessary.

Section 3. Effective July 1, 1997, the Commission on Government Accountability to the People and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, from the Executive Office of the Governor to the Department of Management Services. The administrative rules of the commission which are in effect immediately before such transfer shall remain in effect until specifically changed in the manner provided by law.

Section 4. Subsection (2) of section 14.203, Florida Statutes, as created by section 50 of chapter 94-249, Laws of Florida, is amended to read:

14.203 State Council on Competitive Government.—It is the policy of this state that all state services be performed in the most effective and efficient manner in order to provide the best value to the citizens of the state.

The state also recognizes that competition among service providers may improve the quality of services provided, and that competition, innovation, and creativity among service providers should be encouraged.

(2) There is hereby created the State Council on Competitive Government, which shall be composed of the Governor and Cabinet, sitting as the Administration Commission as defined in s. 14.202. The council, on its own initiative, the Office of Program Policy Analysis and Government Accountability, created pursuant to s. 11.51, or the Commission on Government Accountability to the People, created pursuant to s. 286.30 ~~s. 14.30~~, may identify commercial activities currently being performed by state agencies and, if it is determined that such services may be better provided by requiring competition with private sources or other state agency service providers, may recommend that a state agency engage in any process, including competitive bidding, that creates competition with private sources or other state agency service providers.

Section 5. Subsection (2) of section 27.36, Florida Statutes, is amended to read:

27.36 Office of Prosecution Coordination.—

(2) The office shall coordinate and provide information, assistance, and staff support to the ~~Council on Organized Crime and the~~ various state attorneys.

Section 6. Section 228.0875, Florida Statutes, is amended to read:

228.0875 Governor's Summer Colleges residential programs; scope; objectives; ~~colleges council~~.—

(1) There is hereby established the Governor's Summer Colleges, a series of 4-week summer residential programs for highly qualified rising high school seniors to be conducted at selected residential institutions in the state. Each participating student shall be designated as a Governor's Scholar. The Governor's Summer Colleges shall consist of four independent programs in public issues, liberal arts, mathematics and science, and visual and performing arts. Students who are selected to participate in each Governor's Summer College shall be charged no fee for tuition, matriculation, registration, or housing.

(2) The primary educational objectives of each Governor's Summer College shall include, but not be limited to, the following:

(a) Engaging students in active learning projects that will foster intellectual and effective growth, and

(b) Increasing student awareness of problems or issues related to an area of study and encouraging students to address the problems or issues in a manner through which they translate ideas into action.

~~(3)(a) There is created the Governor's Summer Colleges Council. The council shall be composed of eight members, four of whom shall be appointed~~

by the Governor and the Commissioner of Education, respectively. The Governor and the Commissioner of Education shall each appoint a personal representative to the council and one member to represent school districts, one member to represent community colleges, and one member to represent universities. The terms of council members shall be 1 year, and any member may be eligible for reappointment. Members of the council shall receive no compensation, but they shall be entitled to per diem and travel expenses pursuant to s. 112.061. The Governor shall appoint the chair of the council. The council shall meet at the call of the chair or at the request of a majority of the council members.

(b) ~~The duties of the council shall include, but not be limited to, the following:~~

1. ~~Providing general oversight of the programs.~~

2. ~~Recommending rules to the State Board of Education regarding procedures for selecting student participants, including the manner in which the number of eligible students shall be assigned to each school district. At least one student from each school district shall be considered for any program conducted within the college.~~

3. ~~Recommending rules to the State Board of Education regarding the participation of students who attend nonpublic or developmental research schools.~~

4. ~~Recommending rules to the State Board of Education regarding the criteria, requirements, and procedures for selecting participating institutions, including the establishment of the length of the term for which an institution shall host one or more programs. However, an institution shall not consecutively host the same program.~~

5. ~~Recommending the selection of participating institutions to the State Board of Education.~~

~~(3)(4) The program shall commence during the 1987-1988 academic year, in the summer of 1988, with a Governor's Summer College of Liberal Arts at New College and a Governor's Summer College of Public Issues at Florida State University. Subsequent locations of each Governor's Summer College shall be designated by the Governor's Summer Colleges Council for selection by the State Board of Education.~~

Section 7. Section 230.71, Florida Statutes, is amended to read:

230.71 Intergenerational school volunteer programs.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(a) Recognize and unite senior citizens and school children in order to enrich the lives of both.

(b) Promote activities between persons over the age of 50 years and school youth in school and nonschool settings.

(c) Create a mechanism for the development, expansion, and support of effective and innovative intergenerational school volunteer programs in the state.

(2) PROGRAMS.—Intergenerational school volunteer programs for persons over the age of 50 years and school youth from prekindergarten through grade 12 shall be administered, implemented, and conducted by school districts and developmental research schools pursuant to plans developed and approved as provided in this section.

(3) PLANS.—Each school district and developmental research school may submit to the Commissioner of Education ~~and the Intergenerational School Volunteer Advisory Board provided in subsection (6)~~ a plan for conducting an intergenerational school volunteer program. To be considered for approval and funding, each school district and developmental research school plan, or amendment to a plan, shall be submitted to the commissioner ~~and advisory board~~ by January 30 of each year. Each plan shall include the following components:

(a) A description of the program to be implemented, including a statement of the program objectives, activities, target population, number of students and seniors to be served, and identification of all federal, state, local, and other educational and noneducational entities involved in the program development. The program shall include activities for senior volunteer involvement aimed at enriching the lives of students and student activities aimed at enriching the lives of seniors. Program strategies shall include, but not be limited to, inducements as described in subsection (4).

(b) All services to be provided.

(c) The program budget, including identification of all federal, state, local, or other funds which will be used to support the program.

(d) The method of training senior and student volunteers.

(e) The expected results of the program, including a list of advantages and disadvantages to the senior citizens, students, teachers, community, and district school system.

(f) Evaluation procedures and outcome measures.

(4) INTERAGENCY COOPERATION AND COORDINATION.—School district and developmental research school programs shall cooperate and coordinate to the fullest extent possible with other related federal, state, and local educational and noneducational entities to maximize existing human and fiscal resources. The Commissioner of Education ~~and the Intergenerational School Volunteer Advisory Board provided in subsection (6)~~ shall identify, create, and facilitate mechanisms to ensure the coordination of intergenerational school volunteer program inducements, including, but not limited to, meals in schools, free or reduced tuition for courses offered at participating public educational institutions, and free or reduced-price admission to concerts, plays, or other cultural, educational, social, or health-related activities in the community.

(5) INTERGENERATIONAL SCHOOL VOLUNTEER TRUST FUND.— There is hereby created the Intergenerational School Volunteer Trust Fund from funds specifically appropriated by the Legislature for implementing the provisions of this section. The Department of Education is authorized to accept grants and donations from foundations, private sources, and the Federal Government which shall be deposited in the trust fund to carry out the purposes of this section. The department is authorized and directed to award grants annually no later than October 1 on a competitive basis to school districts and developmental research schools.

~~(6) ADVISORY BOARD.— There is created the Intergenerational School Volunteer Advisory Board to assist and advise the Commissioner of Education in the creation and improvement of intergenerational school volunteer programs.~~

~~(a) The board shall be composed of 22 members. The Governor shall appoint three members, one of whom shall be a school district senior volunteer program coordinator. The President of the Senate shall appoint three members, one of whom shall be a school district senior volunteer program coordinator. The Speaker of the House of Representatives shall appoint three members, one of whom shall be a school district senior volunteer program coordinator. The president of the Florida Chamber of Commerce shall appoint one member. The chairperson of the Statewide School Volunteer Advisory Council shall appoint three members. The Secretary of Health and Rehabilitative Services shall appoint two members, one of whom shall be a member of the American Association of Retired Persons and one of whom shall be from the retired senior volunteer program. The Commissioner of Education shall appoint four members, to include a representative of the Department of Education's community education program, a school board member, a principal, and a senior participant from an intergenerational school volunteer program. The director of the Division of Cultural Affairs of the Department of State shall appoint one member. The Department of Elderly Affairs shall appoint one member. The director of Grandpeople, Inc., shall appoint one member who shall be a representative of the Foster Grandparent Program.~~

~~(b) The board is assigned to the Department of Education for administrative purposes.~~

~~(c) Board members shall serve for 3-year staggered terms. However, of the initial appointees, seven shall hold 1-year terms, eight shall hold 2-year terms, and seven shall hold 3-year terms. Five members who are appointed for less than a 3-year term may be reappointed.~~

~~(d) A vacancy shall be filled by the official who originally appointed the board member whose seat has become vacant.~~

~~(e) As soon as practicable following appointment of the board, the Commissioner of Education shall call an organizational meeting of the board. By majority vote of all its members, the board shall elect its own chairperson from among its members and adopt bylaws for its own governance. The chairperson shall preside over meetings of the board and perform other duties directed by the board or required by its duly adopted bylaws or~~

operating procedures. Members of the board shall serve without compensation, but shall be reimbursed for per diem and travel expenses while engaged in board duties, as provided in s. 112.061.

~~(f) The powers and duties of the board shall begin with the 1990-1991 school year and shall include:~~

~~1. Advising the commissioner on the implementation of the provisions of this section.~~

~~2. Identifying and disseminating information about model intergenerational programs in the state.~~

~~3. Evaluating plans for intergenerational activities.~~

~~4. Making recommendations to the commissioner for approval of intergenerational school volunteer programs and the awarding of grants.~~

~~5. Developing a plan for more effective community awareness and support.~~

~~6. Advising the commissioner on the evaluation of current intergenerational school volunteer programs.~~

~~7. Filing with the Legislature by March 1, 1991, and annually thereafter, a report containing progress toward achieving the goals of this section.~~

~~(6)(7) TECHNICAL ASSISTANCE.~~—The Department of Education shall develop a clearinghouse for any and all intergenerational material dissemination. The department shall develop manuals and guidelines for the development of school district and developmental research school plans and shall provide technical assistance to assist school districts and developmental research schools. The department shall identify exemplary programs in the state to serve as models and shall disseminate information on these programs to all school districts and developmental research schools.

~~(7)(8) EVALUATION.~~—The Commissioner of Education shall conduct or contract for a study of the effectiveness of intergenerational school volunteer programs.

~~(8)(9) RULES.~~—The State Board of Education shall adopt rules necessary to implement the provisions of this section.

Section 8. Subsections (9), (12), (13), and (14) of section 239.505, Florida Statutes, 1996 Supplement, are amended to read:

239.505 Florida constructive youth programs.—

~~(9) PROGRAM ELIGIBILITY.~~—Each school board or community college board of trustees requesting funding for a constructive youth program shall submit an application to the ~~Advisory Board on Constructive Youth Programs in accordance with procedures established by the board.~~ The board shall review all applications submitted and forward applications with the board's recommendations to the Department of Education, which is author-



ized to approve, continue, or terminate constructive youth programs, pursuant to the rules established by the State Board of Education. In addition to other criteria required by this section, each program shall submit continuing data to the department which must include, at a minimum, the following:

(a) Planning data to:

1. Describe the education, training activities and services, and work opportunities that will be provided to participants.

2. Describe the proposed construction or rehabilitation activities to be undertaken and the anticipated schedule for carrying out such activities.

3. Describe the educational services, job training, supportive services, and other services and activities that will be provided to participants.

4. Describe the manner in which participants will be recruited and selected, including a description of arrangements and agreements that will be made with community-based organizations, state and local educational agencies, federal agencies, public assistance agencies, juvenile courts, foster care agencies, and other applicable public and private agencies or organizations.

5. Describe the special outreach efforts that will be undertaken to recruit eligible young women, including women with dependent children.

6. Describe the special outreach efforts that will be undertaken to recruit eligible young farmworkers or migrant workers.

7. Describe how the proposed program will be coordinated with federal, state, and local programs, including vocational and adult education programs, teenage parent programs, job training programs provided with funds available under the Job Training Partnership Act, housing and economic development projects, and activities or projects that receive assistance under federal and state housing and community development statutes.

8. Provide a tentative budget.

9. Provide assurances that there will be a sufficient number of educational support employees, instructional personnel certified by the state pursuant to s. 231.17, and supervisory personnel in each program, and that these supervisory personnel are adequately trained in the skills needed to carry out the program.

10. Describe all activities that will be undertaken to develop the leadership skills of participants.

11. Set forth such other assurances, arrangements, and conditions as the department considers appropriate to carry out the purposes of this section.

(b) Implementation data to:

1. Describe the method of implementing and conducting the program and identify all services that will be made available to participants pursuant to the contents of planning materials submitted pursuant to paragraph (a).

2. Provide a detailed budget.
3. Describe the strategy utilized for interagency coordination in order to maximize existing human and fiscal resources.
4. Provide copies of all contracts and arrangements entered into between the constructive youth program and other agencies or entities.
5. Set forth such other assurances, arrangements, and conditions as the department considers appropriate to carry out the purposes of this program.

(c) Continuation data to:

1. Provide information on evaluation procedures used to measure performance of participants.
2. Provide information on the number of participants who achieve a high school diploma or a high school equivalency diploma prior to completion, upon completion, or within 6 months after completion of the constructive youth program.
3. Provide information on the level of education obtained by participants who do not obtain a high school or high school equivalency diploma.
4. Provide information on the effectiveness of the program, including cost-effectiveness.
5. Provide a detailed anticipated budget for continuation of the program and list all sources of funding requested, both public and private.
6. Describe procedures used for early identification of youths at risk of dropping out of the program and methods for retrieval of these youths.
7. Describe the degree to which the program's objectives and activities are consistent with the goals of this section.
8. Set forth such other assurances, arrangements, and conditions as the department considers appropriate to carry out the purposes of this section.

(d) Dissemination data to:

1. Develop a manual that includes a presentation of the intent and goals of the program, the degree to which the program's objectives have been met, examples of successful practices, identification of resources available to supplement the program's budget, and other information that will assist in the successful implementation of the program by another school district or community college.
2. Provide detailed information on the various programs and activities available to participants and the successful or unsuccessful utilization of the various programs and activities by participants.
3. Provide, in detail, any changes in the basic format of the constructive youth program or its implementation and administration.

~~(12) ADVISORY BOARD.—There is created the Advisory Board on Constructive Youth Programs which shall provide ongoing technical assistance to each school district or community college establishing a constructive youth program. The Commissioner of Education, the Secretary of Health and Rehabilitative Services, the Secretary of Community Affairs, and the Secretary of Labor and Employment Security shall each appoint two members to the advisory board. In addition, a private sector representative of the State Job Training Coordinating Council shall be appointed by the Governor. All members shall be appointed for 4-year terms and may be removed by the State Board of Education for cause or upon the written petition of a majority of the remaining board members. Members shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses consistent with the provisions of s. 112.061. The purpose and function of the board is as follows:~~

~~(a) To propose rules necessary for the implementation of the provisions of this section to the State Board of Education.~~

~~(b) To establish a unified application procedure to streamline the entire application process.~~

~~(c) To establish criteria for recommending programs for approval to the Commissioner of Education.~~

~~(d) To provide recommendations for ongoing technical assistance to school districts and community colleges establishing constructive youth programs.~~

~~(12)(13) REPORT FROM COMMISSIONER OF EDUCATION.—The Commissioner of Education shall report to the Legislature no later than January 1, 1993, recommendations for modifications of statutes or rules of the State Board of Education which are necessary to remove statutory or regulatory barriers that may affect implementation of constructive youth programs.~~

~~(13)(14) RULES.—The State Board of Education may amend existing rules and adopt new rules, including any proposed rule recommended by the Advisory Board on Constructive Youth Programs, necessary to implement the provisions of this section.~~

Section 9. (1) Section 288.973, Florida Statutes, as created by chapter 94-323, Laws of Florida, and amended by chapters 95-148, 96-230, and 96-348, Laws of Florida; and section 288.974, Florida Statutes, as created by chapter 94-323, Laws of Florida, and amended by chapter 96-348, Laws of Florida, are repealed.

(2) This section shall take effect October 1, 1997.

Section 10. Effective October 1, 1997, paragraph (d) of subsection (6) of section 288.1045, Florida Statutes, 1996 Supplement, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

## (6) ADMINISTRATION.—

(d) By December 1 ~~September 30~~ of each year, the department shall submit a complete and detailed report to the Governor, the President of the Senate, and the Speaker of the House of Representatives ~~Defense Conversion and Transition Commission, created under Executive Order 93-118~~, of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified applicant tax refund program were expended in a prudent, fiducially sound manner. ~~By December 1 of each year, the Defense Conversion and Transition Commission shall review and comment on the report, and shall submit the report together with the commission's comments to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

Section 11. Section 408.033, Florida Statutes, is amended to read:

## 408.033 Local and state health planning.—

## (1) LOCAL HEALTH COUNCILS.—

(a) Local health councils are hereby established as public or private non-profit agencies serving the counties of a district or regional area of the agency. The members of each council shall be appointed in an equitable manner by the county commissions having jurisdiction in the respective district. Each council shall be composed of a number of persons equal to  $1\frac{1}{2}$  times the number of counties which compose the district or 12 members, whichever is greater. Each county in a district shall be entitled to at least one member on the council. The balance of the membership of the council shall be allocated among the counties of the district on the basis of population rounded to the nearest whole number; except that in a district composed of only two counties, no county shall have fewer than four members. The appointees shall be representatives of health care providers, health care purchasers, and nongovernmental health care consumers, but not excluding elected government officials. The members of the consumer group shall include a representative number of persons over 60 years of age. A majority of council members shall consist of health care purchasers and health care consumers. The local health council shall provide each county commission a schedule for appointing council members to ensure that council membership complies with the requirements of this paragraph. The members of the local health council shall elect a chairman. Members shall serve for terms of 2 years and may be eligible for reappointment.

## (b) Each local health council may:

1. Develop a district or regional area health plan that is consistent with the objectives and strategies in the state health plan, but that shall permit each local health council to develop strategies and set priorities for implementation based on its unique local health needs. The district or regional area health plan must contain preferences for the development of health services and facilities, which may be considered by the agency in its review

of certificate-of-need applications. The district health plan shall be submitted to the agency and updated periodically. The district health plans shall use a uniform format and be submitted to the agency according to a schedule developed by the agency in conjunction with the ~~Statewide Health Council and the~~ local health councils. The schedule must provide for coordination between the development of the state health plan and the district health plans and for the development of district health plans by major sections over a multiyear period. The elements of a district plan which are necessary to the review of certificate-of-need applications for proposed projects within the district may be adopted by the agency as a part of its rules.

2. Advise the agency on health care issues and resource allocations.
3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.
4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.
5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.
6. Advise and assist any regional planning councils within each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.
7. Advise and assist local governments within each district on the development of an optional health plan element of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:
  - a. A copy and appropriate updates of the district health plan;
  - b. A report of hospital and nursing home utilization statistics for facilities within the local government jurisdiction; and
  - c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.
8. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.
9. In conjunction with the Agency for Health Care Administration ~~Department of Health and Rehabilitative Services and Statewide Health Coun-~~

eil, plan for services at the local level for persons infected with the human immunodeficiency virus.

10. Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals, objectives, and policies adopted by the local health council.

11. Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health services and facilities in the district.

(c) Local health councils may conduct public hearings pursuant to s. 408.039(3)(b).

(d) Each local health council shall enter into a memorandum of agreement with each regional planning council in its district that elects to address health issues in its strategic regional policy plan. In addition, each local health council shall enter into a memorandum of agreement with each local government that includes an optional health element in its comprehensive plan. Each memorandum of agreement must specify the manner in which each local government, regional planning council, and local health council will coordinate its activities to ensure a unified approach to health planning and implementation efforts.

(e) Local health councils may employ personnel to carry out the councils' purposes. Such personnel shall possess qualifications and be compensated in a manner commensurate with comparable positions in the Career Service System. However, such personnel shall not be deemed to be state employees.

(f) Personnel of the local health councils shall provide an annual orientation to council members about council member responsibilities. The orientation shall include presentations and participation by agency staff.

(g) Each local health council is authorized to accept and receive, in furtherance of its health planning functions, funds, grants, and services from governmental agencies and from private or civic sources and to perform studies related to local health planning in exchange for such funds, grants, or services. Each local health council shall, no later than January 30 of each year, render an accounting of the receipt and disbursement of such funds received by it to the agency. The agency shall consolidate all such reports and submit such consolidated report to the Legislature no later than March 1 of each year. Funds received by a local health council pursuant to this paragraph shall not be deemed to be a substitute for, or an offset against, any funding provided pursuant to subsection (2) (3).

~~(2) STATEWIDE HEALTH COUNCIL.—The Statewide Health Council is hereby established as a state-level comprehensive health planning and policy advisory board. For administrative purposes, the council shall be located within the agency. The Statewide Health Council shall be composed of: the State Health Officer; the Deputy Director for Health Policy and Cost Control and the Deputy Director for Health Quality Assurance of the department; the director of the Health Care Board; the Insurance Commissioner~~

~~or his designee; the Vice Chancellor for Health Affairs of the Board of Regents; three chairmen of regional planning councils, selected by the regional planning councils; five chairmen of local health councils, selected by the local health councils; four members appointed by the Governor, one of whom is a consumer over 60 years of age, one of whom is a representative of organized labor, one of whom is a physician, and one of whom represents the nursing home industry; five members appointed by the President of the Senate, one of whom is a representative of the insurance industry in this state, one of whom is the chief executive officer of a business with more than 300 employees in this state, one of whom represents the hospital industry, one of whom is a primary care physician, and one of whom is a nurse, and five members appointed by the Speaker of the House of Representatives, one of whom is a consumer who represents a minority group in this state, one of whom represents the home health care industry in this state, one of whom is an allied health care professional, one of whom is the chief executive officer of a business with fewer than 25 employees in this state, and one of whom represents a county social services program that provides health care services to the indigent. Appointed members of the council shall serve for 2-year terms commencing October 1 of each even-numbered year. The council shall elect a president from among the members who are not state employees. The Statewide Health Council shall:~~

~~(a) Advise the Governor, the Legislature, and the department on state health policy issues, state and local health planning activities, and state health regulation programs;~~

~~(b) Prepare a state health plan that specifies subgoals, quantifiable objectives, strategies, and resource requirements to implement the goals and policies of the health element of the State Comprehensive Plan. The plan must assess the health status of residents of this state; evaluate the adequacy, accessibility, and affordability of health services and facilities; assess government-financed programs and private health care insurance coverages; and address other topical local and state health care issues. Within 2 years after the health element of the State Comprehensive Plan is amended, and by July 1 of every 3rd year, if it is not amended, the Statewide Health Council shall submit the state health plan to the Executive Office of the Governor, the secretary of the department, the President of the Senate, and the Speaker of the House of Representatives;~~

~~(c) Promote public awareness of state health care issues and, in conjunction with the local health councils, conduct public forums throughout the state to solicit the comments and advice of the public on the adequacy, accessibility, and affordability of health care services in this state and other health care issues;~~

~~(d) Consult with local health councils, the Department of Insurance, the Department of Health and Rehabilitative Services, and other appropriate public and private entities, including health care industry representatives regarding the development of health policies;~~

~~(e) Serve as a forum for the discussion of local health planning issues of concern to the local health councils and regional planning councils;~~

~~(f) Review district health plans for consistency with the State Comprehensive Plan and the state health plan;~~

~~(g) Review the health components of agency functional plans for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to agency functional plans to make them consistent with the State Comprehensive Plan;~~

~~(h) Review any strategic regional plans that address health issues for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to strategic regional policy plans to make them consistent with the State Comprehensive Plan;~~

~~(i) Assist the Department of Community Affairs in the review of local government comprehensive plans to ensure consistency with policy developed in the district health plans;~~

~~(j) With the assistance of the local health councils, conduct public forums and use other means to determine the opinions of health care consumers, providers, payors, and insurers regarding the state's health care goals and policies and develop suggested revisions to the health element of the State Comprehensive Plan. The council shall submit the proposed revisions to the health element of the State Comprehensive Plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 1993, and shall widely circulate the proposed revisions to affected parties. The council shall periodically assess the progress made in achieving the goals and policies contained in the health element of the State Comprehensive Plan and report to the department, the Governor, the President of the Senate, and the Speaker of the House of Representatives; and~~

~~(k) Conduct any other functions or studies and analyses falling under the duties listed above.~~

~~(2)(3) FUNDING.—~~

~~(a) The Legislature intends that the cost of local health councils and the Statewide Health Council be borne by application fees for certificates of need and by assessments on selected health care facilities subject to facility licensure by the Agency for Health Care Administration, including abortion clinics, assisted living facilities, ambulatory surgical centers, birthing centers, clinical laboratories except community nonprofit blood banks, home health agencies, hospices, hospitals, intermediate care facilities for the developmentally disabled, nursing homes, and multiphasic testing centers and by assessments on organizations subject to certification by the agency pursuant to chapter 641, part III, including health maintenance organizations and prepaid health clinics.~~

~~(b)1. A hospital licensed under chapter 395, a nursing home licensed under chapter 400, and an assisted living facility licensed under chapter 400 shall be assessed an annual fee based on number of beds.~~



2. All other facilities and organizations listed in paragraph (a) shall each be assessed an annual fee of \$150.

3. Facilities operated by the Department of Health and Rehabilitative Services or the Department of Corrections and any hospital which meets the definition of rural hospital pursuant to s. 395.602 are exempt from the assessment required in this subsection.

(c)1. The agency shall, by rule, establish fees for hospitals and nursing homes based on an assessment of \$2 per bed. However, no such facility shall be assessed more than a total of \$500 under this subsection.

2. The agency shall, by rule, establish fees for assisted living facilities based on an assessment of \$1 per bed. However, no such facility shall be assessed more than a total of \$150 under this subsection.

3. The agency shall, by rule, establish an annual fee of \$150 for all other facilities and organizations listed in paragraph (a).

(d) The agency shall, by rule, establish a facility billing and collection process for the billing and collection of the health facility fees authorized by this subsection.

(e) A health facility which is assessed a fee under this subsection is subject to a fine of \$100 per day for each day in which the facility is late in submitting its annual fee up to maximum of the annual fee owed by the facility. A facility which refuses to pay the fee or fine is subject to the forfeiture of its license.

(f) The agency shall deposit in the Health Care Trust Fund all health care facility assessments that are assessed under this subsection and proceeds from the certificate-of-need application fees which are sufficient to maintain the aggregate funding level for the local health councils and the Statewide Health Council as specified in the General Appropriations Act. The remaining certificate-of-need application fees shall be used only for the purpose of administering the Health Facility and Services Development Act.

~~(3)(4)~~ DUTIES AND RESPONSIBILITIES OF THE AGENCY DEPARTMENT.—

(a) The agency department, in conjunction with the Statewide Health Council and the local health councils, is responsible for the planning of all health care services in the state and for ~~assisting the Statewide Health Council in~~ the preparation of the state health plan.

(b) The agency department shall develop and maintain a comprehensive health care database for the purpose of health planning and for certificate-of-need determinations. The agency department or its contractor is authorized to require the submission of information from health facilities, health service providers, and licensed health professionals which is determined by the agency department, through rule, to be necessary for meeting the agency's department's responsibilities as established in this section.

(c) The agency department shall assist personnel of the local health councils in providing an annual orientation to council members about council member responsibilities.

(d) The agency department shall contract with the local health councils for the services specified in subsection (1). All contract funds shall be distributed according to an allocation plan developed by the agency department that provides for a minimum and equal funding base for each local health council. Any remaining funds shall be distributed based on adjustments for workload. The agency department may also make grants to or reimburse local health councils from federal funds provided to the state for activities related to those functions set forth in this section. The agency department may withhold funds from a local health council or cancel its contract with a local health council which does not meet performance standards agreed upon by the agency department and local health councils.

Section 12. Subsection (9) of section 186.003, Florida Statutes, as amended by chapter 95-280, Laws of Florida, and subsection (9) of section 186.503, Florida Statutes, as amended by chapter 95-280, Laws of Florida, are repealed.

Section 13. Subsection (3) of section 186.022, Florida Statutes, 1996 Supplement, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include:

~~(a) The findings of the Statewide Health Council's review of the consistency of the health components of agency strategic plans with the health element of the state comprehensive plan;~~

~~(b)~~ (b) The findings of the review of the Information Resource Commission with respect to the strategic information resources management issues not covered under paragraph (d); and

~~(c)~~ (c) The findings of the Criminal and Juvenile Justice Information Systems Council's review with respect to public safety system strategic information technology resources management issues.

Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions.

Section 14. Subsection (1) of section 186.508, Florida Statutes, 1996 Supplement, is amended to read:

186.508 Strategic regional policy plan adoption; consistency with state comprehensive plan.—

(1) Each regional planning council shall submit to the Executive Office of the Governor its proposed strategic regional policy plan on a schedule adopted by rule by the Executive Office of the Governor to coordinate implementation of the strategic regional policy plans with the evaluation and appraisal reports required by s. 163.3191. The Executive Office of the Governor, or its designee, shall review the proposed strategic regional policy plan for consistency with the adopted state comprehensive plan and shall, within 60 days, return the proposed strategic regional policy plan to the council, together with any revisions recommended by the Governor. ~~The Executive Office of the Governor must consider the findings of the Statewide Health Council's review of the consistency of the health elements of the strategic regional policy plans with the health element of the state comprehensive plan in formulating recommended revisions to the strategic regional policy plans if the regional planning council has elected to address health issues in its strategic regional policy plan.~~ The Governor's recommended revisions shall be included in the plans in a comment section. However, nothing herein shall preclude a regional planning council from adopting or rejecting any or all of the revisions as a part of its plan prior to the effective date of the plan. The rules adopting the strategic regional policy plan shall not be subject to rule challenge under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2., but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3) by substantially affected persons, including the Executive Office of the Governor. The rules shall be adopted by the regional planning councils within 90 days after receipt of the revisions recommended by the Executive Office of the Governor, and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(3)(e)6.

Section 15. Paragraph (i) of subsection (4) of section 240.5121, Florida Statutes, is amended to read:

240.5121 Cancer control and research.—

(4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL; CREATION; COMPOSITION.—

(i) The council shall approve each year a program for cancer control and research to be known as the "Florida Cancer Plan" which shall be consistent with the State Health Plan ~~developed by the Statewide Health Council~~ and integrated and coordinated with existing programs in this state.

Section 16. Subsection (1) of section 395.604, Florida Statutes, is amended to read:

395.604 Other rural hospital programs.—

(1) The agency may license rural primary care hospitals subject to federal approval for participation in the Medicare and Medicaid programs. Rural primary care hospitals shall be treated in the same manner as emergency care hospitals and rural hospitals with respect to ss. 395.605(2)-(8)(a), 408.033(2)(3)(b)3., and 408.038.

Section 17. Section 408.038, Florida Statutes, is amended to read:

408.038 Fees.—The department shall assess fees on certificate-of-need applications. Such fees shall be for the purpose of funding ~~the Statewide Health Council~~, the functions of the local health councils, and the activities of the department and shall be allocated as provided in s. 408.033. The fee shall be determined as follows:

(1) A minimum base fee of \$5,000.

(2) In addition to the base fee of \$5,000, 0.015 of each dollar of proposed expenditure, except that a fee may not exceed \$22,000.

Section 18. Paragraph (b) of subsection (4) of section 408.039, Florida Statutes, 1996 Supplement, is amended to read:

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

(4) STAFF RECOMMENDATIONS.—

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

Section 19. Subsection (1) of section 408.0455, Florida Statutes, is amended to read:

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

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

Section 20. Chapter 30280, Laws of Florida, 1955, as amended by chapters 77-530, 86-395, and 94-421, Laws of Florida, is repealed.

Section 21. Chapter 57-700, Laws of Florida, as amended by chapters 59-875, 61-545, and 67-952, Laws of Florida, is repealed.

Section 22. Chapter 59-1939, Laws of Florida, as amended by chapter 83-530, Laws of Florida, is repealed.

Section 23. Chapter 67-2027, Laws of Florida, is repealed.

Section 24. Chapter 71-926, Laws of Florida, is repealed.

Section 25. Section 79 of chapter 90-201, Laws of Florida, is repealed.

Section 26. Section 1 of chapter 90-232, Laws of Florida, is repealed.

Section 27. The following proviso of section 1 of chapter 91-193, Laws of Florida, is repealed:

~~There is hereby created a nine (9) member task force on Productivity Enhancement which shall consist of three members appointed by the Governor, three members appointed by the Speaker of the House, and three members appointed by the President of the Senate. The task force shall review all agency productivity plans and make recommendations. Elements of productivity plans that involve automation or innovative technologies, that are on approved IRC plans may be recommended for release by the task force as soon as practicable. Recommendations on productivity enhancement that involve training, salaries and benefits shall be made by January 1, 1992.~~

~~The Productivity Enhancement Plans submitted in accordance with the 1991-92 Governor's Recommended Budget will serve as the catalyst for the task force review, and specific focus shall be given, but not limited to, the areas of automation and innovative technologies, employee training, and salary and benefits issues. Each agency shall amend their productivity enhancement plan in accordance with the actual agency budget reduction contained in the 1991-92 General Appropriations Act.~~

~~Each agency may choose to participate in a vacant position reserve pool to increase the resources available for the purpose of implementing their productivity enhancement plans. If a position becomes vacant after July 1, 1991, an agency may request the Office of Planning and Budgeting to place the position, rate, and dollars in a reserve pool to be credited towards the agency's productivity plan. The task force shall consider the funds available in the reserve pool when making recommendations to the Executive Office of the Governor.~~

Section 28. Section 63 of chapter 93-164, Laws of Florida, is repealed.

Section 29. Sections 23 and 24 of chapter 94-292, Laws of Florida, are repealed.

Section 30. The proviso following line item 1417A of section 1A of chapter 94-357, Laws of Florida, is repealed:

~~Funds in Specific Appropriation 1417A are provided to create the Commission on Long-Term Care in Florida, which for administrative purposes, is assigned to the Joint Legislative Management Committee. The~~

~~commission shall consist of 18 members with the President of the Senate, the Speaker of the House of Representatives, and the Governor appointing four members each. In addition to these appointments, the Director of the Agency for Health Care Administration, the Chairperson of the State Long-Term Care Ombudsman Council and the Secretaries of the Department of Elderly Affairs, the Department of Health and Rehabilitative Services, the Department of Insurance, and the Department of Labor and Employment Security, or a designee of any of these officials, shall serve as members of the commission. A chairperson and vice chairperson shall be elected by the members. Members of the commission shall serve without compensation but are entitled to receive reimbursement for per diem and travel as provided in section 112.061, F.S. The commission must submit its first report on December 1, 1994, to the President of the Senate, Speaker of the House of Representatives, and the chairpersons of relevant substantive and appropriations committees of each house of the Legislature.~~

Section 31. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor May 23, 1997.

Filed in Office Secretary of State May 23, 1997.