



# The Journal OF THE House of Representatives

Number 6

Thursday, March 22, 2001

The House was called to order by the Speaker at 1:30 p.m.

## Prayer

The following prayer was offered by the Reverend Roger E. Miller of St. George Episcopal Church of Lady Lake, upon invitation of Rep. Gibson:

Almighty God, we humbly thank You for this good land which You have given us for our inheritance and especially the state of Florida in which we live. Fill with wisdom those to whom we entrust the authority of government, particularly the Members of this House of Representatives gathered today to do the work they have been called to do. In times of prosperity, fill their hearts with thankfulness, and in times of adversity, do not allow their trust in You to fail.

You, O God, are the source of wisdom whose statutes are good and gracious and whose law is truth. Therefore, we pray that You would guide and support the Representatives assembled here, that by just and prudent laws they may promote the well-being of all people in this state. Grant them the courage to make the hard decisions which may at times be unpopular, but as they cast all their cares on You, may they sense Your presence and guidance in all their deliberations.

All this we ask in Your name. Amen.

The following Members were recorded present:

Session Vote Sequence: 56

The Chair	Brown	Gannon	Justice
Alexander	Brummer	Garcia	Kallinger
Allen	Brutus	Gardiner	Kendrick
Andrews	Bucher	Gelber	Kilmer
Argenziano	Bullard	Gibson	Kosmas
Arza	Byrd	Goodlette	Kotkamp
Attkisson	Cantens	Gottlieb	Kravitz
Atwater	Carassas	Green	Kyle
Ausley	Clarke	Greenstein	Lacasa
Baker	Crow	Haridopolos	Lerner
Ball	Cusack	Harper	Littlefield
Barreiro	Davis	Harrell	Lynn
Baxley	Detert	Harrington	Machek
Bean	Diaz de la Portilla	Hart	Mack
Bendross-Mindingall	Diaz-Balart	Henriquez	Mahon
Bennett	Dockery	Heyman	Mayfield
Bense	Farkas	Hogan	Maygarden
Benson	Fasano	Holloway	McGriff
Berfield	Fields	Jennings	Meadows
Betancourt	Fiorentino	Johnson	Mearl
Bilirakis	Flanagan	Jordan	Melvin
Bowen	Frankel	Joyner	Miller

Murman	Richardson	Seiler	Spratt
Needelman	Ritter	Simmons	Stansel
Paul	Romeo	Siplin	Trovillion
Peterman	Ross	Slosberg	Waters
Pickens	Rubio	Smith	Weissman
Prieguez	Russell	Sobel	Wiles
Rich	Ryan	Sorensen	Wishner

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by Byrars Byrd of Plant City, Meghan Flanagan of Bradenton, Travis Vincent Lockley of Jacksonville, Clayton C. McKendree of Tampa, Bryce David Melvin of Marianna, Eric R. Mercado of Valrico, David Lee Michaelson of Hernando, Samuel Neimeiser of Tallahassee, David Paulk of Jacksonville, Stephen B. Phillips of Sarasota, Lindsay Reidenbach of Ponte Vedra Beach, James "J.R." Rollins of Tallahassee and G.T. Wharton of Jacksonville, pledged allegiance to the Flag. Byrars Byrd served at the invitation of his father, Rep. Byrd. Meghan Flanagan served at the invitation of her father, Rep. Flanagan. Travis Vincent Lockley served at the invitation of Rep. Fields. Clayton C. McKendree served at the invitation of Rep. Littlefield. Bryce David Melvin served at the invitation of Rep. Kilmer. Eric R. Mercado served at the invitation of Rep. Byrd. David Lee Michaelson served at the invitation of Speaker Feeney. Samuel Neimeiser served at the invitation of Rep. Ausley. David Paulk served at the invitation of Rep. Kravitz. Stephen B. Phillips served at the invitation of Rep. Bennett. Lindsay Reidenbach served at the invitation of Rep. Russell. James "J.R." Rollins served at the invitation of Rep. Richardson. G.T. Wharton served at the invitation of Rep. Jordan.

## House Physician

The Speaker introduced Dr. Michael Cicale of Gainesville, who served in the Clinic today upon invitation of Rep. McGriff.

## Correction of the Journal

The *Journal* of March 21 was corrected and approved as corrected.

## Moment of Silence

At the request of Rep. Jordan, the House observed a moment of silence for the Florida National Guard members' safe return from Kuwait; and also to remember the three Florida National Guard members who were killed in a plane crash March 3, in Unadilla, Georgia.

## Withdrawal of Bills from Committee or Council

Rep. Byrd, Chair of the Procedural & Redistricting Council, made the following remarks concerning the withdrawal of bills from Committee or Council, on March 21.

I would like to compliment everyone, particularly our freshman Members on the very good ideas each of you have brought to the House this year. Our new Members are an inspiration.

This session is moving along quickly, and I know there will come a time when some of you will want to withdraw a bill from a committee or council. I have already had a few inquiries regarding how to go about withdrawing bills. I do caution you Members, that bill referrals are made with considerable deliberation, therefore withdrawals will be approved infrequently. The Speaker has instituted the following procedure for withdrawing bills from committees or councils.

- If the Chair of the committee or council recommends to withdraw a bill from his/her committee or council, he/she must send a letter to the Chair of the Committee on Rules, Ethics & Elections explaining why his/her committee or council *does not need to hear the bill*.
- The Chair of the Committee on Rules, Ethics & Elections will *evaluate the request* to determine whether the withdrawal is appropriate under traditional policies of the House.
- If the evaluation is favorable, the Committee on Rules, Ethics & Elections will *forward the favorable recommendation to the Chair of the Procedural & Redistricting Council and the Speaker for a final decision*.

Keep in mind Members, that this is a two-year process, and your good ideas that may not get through this year will still be good ideas next year. Should you have any questions, please contact me.

## Reports of Councils and Standing Committees

### Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

March 20, 2001

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Thursday, March 22, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):  
HB 1083—Public Records/Autopsy Photographs

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Byrd, the rules were waived and HR 9001 and HR 9011 were added to the Special Order Calendar, and the above report was adopted, as amended.

### Motions Relating to Committee or Council References

On motion by Rep. Melvin, agreed to by two-thirds vote, HB 1193 was withdrawn from the Committee on Education Innovation, further referred to the Committee on General Education, and remains referred to the Committee on State Administration and the Council for Lifelong Learning.

On motion by Rep. Miller, agreed to by two-thirds vote, HB 1441 was withdrawn from further consideration of the House.

On motion by Rep. Gannon, agreed to by two-thirds vote, HB 1105 was withdrawn from further consideration of the House.

## Bills and Joint Resolutions on Third Reading

### Bill Subject to Special Rule

**CS/CS/HB 303**—A bill to be entitled An act relating to relief from overcrowded schools; creating s. 235.063, F.S.; establishing the S.C.R.I.P.T. grants program for school overcrowding relief; providing a short title; providing findings, intent, and purposes; providing a definition; providing school district, parent, and Department of Education obligations; providing private school eligibility requirements; providing for the initial award, renewal, and disbursement of S.C.R.I.P.T. grants; limiting the liability of the state relating to the award or use of a S.C.R.I.P.T. grant; providing an effective date.

—was read the third time by title.

Rep. Goodlette suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 57].

The question recurred on the passage of CS/CS/HB 303. The vote was:

Session Vote Sequence: 58

Yeas—63

The Chair	Brown	Haridopolos	Mealor
Allen	Brummer	Harrington	Melvin
Andrews	Byrd	Hart	Miller
Argenziano	Cantens	Hogan	Murman
Arza	Davis	Johnson	Needelman
Attkisson	Diaz de la Portilla	Jordan	Negron
Atwater	Diaz-Balart	Kallinger	Paul
Baker	Dockery	Kilmer	Prieguez
Ball	Farkas	Kottkamp	Ross
Barreiro	Fasano	Kyle	Rubio
Baxley	Flanagan	Lacasa	Simmons
Bean	Garcia	Littlefield	Spratt
Bennett	Gardiner	Mack	Trovillion
Bense	Gibson	Mahon	Wallace
Benson	Goodlette	Mayfield	Waters
Bowen	Green	Maygarden	

Nays—54

Ausley	Fiorentino	Kendrick	Romeo
Bendross-Mindingall	Frankel	Kosmas	Russell
Berfield	Gannon	Kravitz	Ryan
Betancourt	Gelber	Lee	Seiler
Bilirakis	Gottlieb	Lerner	Siplin
Brutus	Greenstein	Lynn	Slosberg
Bucher	Harper	Machek	Smith
Bullard	Harrell	McGriff	Sobel
Carassas	Henriquez	Meadows	Stansel
Clarke	Heyman	Peterman	Weissman
Crow	Holloway	Pickens	Wiles
Cusack	Jennings	Rich	Wishner
Detert	Joyner	Richardson	
Fields	Justice	Ritter	

Votes after roll call:

Yeas—Alexander  
Nays—Sorensen

So the bill passed, as amended, and was certified to the Senate.

### Explanation of Vote

As a product of our public schools and the husband of a public school teacher, I am committed to our public schools.

Although there are no schools in Charlotte County that would qualify under this grant program (and, of course, nobody would remove their children from our great local schools), nonetheless, I have now seen that in some inner city areas elsewhere in our state parents need choices.

I have kept an open mind on this issue. I have listened to diverse views both supporting and opposing this proposal.

I have listened to members of the teachers union and others who oppose the school choice proposal.

However, I cannot ignore the passionate voices of so many low-income parents pleading with me to help them have school choice until school districts complete the construction of facilities necessary to address the overcrowding problem. I cannot ignore their plea to empower them to help their own children. I cannot ignore the pleas of so many members of minority groups who support the legislation as a way to help their children access a better education. I have listened to many others who beg me to approve the proposal such as members of the "Black Alliance for Educational Options" whose Vice President, Ken Johnson, (a member of the Milwaukee School Board) recently stated "Private school choice is one of the best things that ever happened to my city's public schools".

Even though this vote will not affect my local district, as a "state" representative I cannot ignore the needs of parents in other [less fortunate] areas of our state. I must vote to help these parents. I must vote in favor of HB 303.

*Rep. Jerry Paul  
District 71*

**Explanation of Vote**

Once again the House is being called on to further expand school vouchers and once again, we are being asked to make this decision without having fully addressed the root causes of the problems facing public education today. We need to build more schools, hire more caring and qualified teachers and provide safe classrooms for students to learn. I cannot support this or any other voucher bill until we have taken care of our constitutional responsibility to all our children to provide a world class public education system.

*Rep. Doug Wiles  
District 20*

**Motion to Reconsider**

Rep. Maygarden moved that the House reconsider the vote by which **CS/CS/HB 303** passed.

On motion by Rep. Goodlette, the motion to reconsider was laid on the table and the bill was certified to the Senate.

The vote was:

Session Vote Sequence: 59

Yeas—76

The Chair	Brummer	Green	Maygarden
Allen	Byrd	Haridopolos	Mealor
Andrews	Cantens	Harrell	Melvin
Argenziano	Carassas	Harrington	Miller
Arza	Clarke	Hart	Murman
Attkisson	Crow	Hogan	Needelman
Atwater	Davis	Johnson	Negron
Baker	Detert	Jordan	Paul
Ball	Diaz de la Portilla	Kallinger	Pickens
Barreiro	Diaz-Balart	Kilmer	Prieguez
Baxley	Dockery	Kottkamp	Ross
Bean	Farkas	Kravitz	Rubio
Bennett	Fasano	Kyle	Russell
Bense	Fiorentino	Lacasa	Simmons
Benson	Flanagan	Littlefield	Sorensen
Berfield	Garcia	Lynn	Spratt
Bilirakis	Gardiner	Mack	Trovillion
Bowen	Gibson	Mahon	Wallace
Brown	Goodlette	Mayfield	Waters

Nays—42

Ausley	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wishner
Gannon	Kendrick	Romeo	
Gelber	Kosmas	Ryan	

Votes after roll call:

Yeas—Alexander

**Bill Subject to Special Rule**

**CS/HB 367**—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; amending s. 112.3145, F.S.; specifying members of certain judicial nominating commissions as state officers; providing severability; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—was read the third time by title.

**THE SPEAKER PRO TEMPORE IN THE CHAIR**

**THE SPEAKER IN THE CHAIR**

Rep. Wallace suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 60].

The question recurred on the passage of CS/HB 367. The vote was:

Session Vote Sequence: 61

Yeas—65

The Chair	Byrd	Hart	Miller
Alexander	Cantens	Hogan	Needelman
Allen	Carassas	Johnson	Negron
Andrews	Clarke	Jordan	Paul
Arza	Davis	Kallinger	Pickens
Attkisson	Detert	Kilmer	Prieguez
Baker	Diaz de la Portilla	Kottkamp	Ross
Ball	Diaz-Balart	Kravitz	Rubio
Barreiro	Flanagan	Kyle	Russell
Baxley	Garcia	Lacasa	Simmons
Bean	Gardiner	Littlefield	Sorensen
Bense	Gibson	Mack	Trovillion
Benson	Goodlette	Mahon	Wallace
Berfield	Green	Mayfield	Waters
Bilirakis	Haridopolos	Haygarden	
Brown	Harrell	Mealor	
Brummer	Harrington	Melvin	

Nays—50

Argenziano	Bullard	Gelber	Justice
Atwater	Crow	Gottlieb	Kendrick
Ausley	Cusack	Greenstein	Kosmas
Bendross-Mindingall	Dockery	Harper	Lee
Bennett	Farkas	Henriquez	Lerner
Betancourt	Fields	Heyman	Machek
Bowen	Fiorentino	Holloway	McGriff
Brutus	Frankel	Jennings	Meadows
Bucher	Gannon	Joyner	Murman

Peterman	Ryan	Smith	Wiles
Rich	Seiler	Spratt	Wishner
Ritter	Siplin	Stansel	
Romeo	Slosberg	Weissman	

Votes after roll call:

Yeas—Sobel

Nays—Lynn, Richardson

So the bill passed and was certified to the Senate.

### Explanation of Vote

I fear that this legislation will blur the lines that separate the judicial branch of government with the executive branch of government. I hope that I will one day be proven wrong, however the risk of unintended consequences far out weigh the potential for good reforms. In the spirit of political theorist Baron de Montesquieu, who said “there is no liberty if the power of judging be not separated from the legislative and executive powers,” I cast a no vote.

*Rep. Wiles  
District 20*

### Bill Subject to Special Rule

**HB 369**—A bill to be entitled An act relating to public employees; renumbering parts I, II, III, IV, and V of ch. 110, F.S., as parts I, II, III, IV, and V of ch. 109, F.S.; amending and renumbering s. 110.107, F.S.; revising definitions; repealing s. 110.108, F.S., relating to pilot projects for agencies seeking managerial flexibility for personnel programs, s. 110.109, F.S., relating to personnel audits of agencies, and s. 110.1095, F.S., relating to training programs for supervisors and managers; amending and renumbering s. 110.1099, F.S.; specifying duties of agency heads with respect to education and training opportunities for state employees; amending and renumbering s. 110.112, F.S.; providing policy relating to use of human resources; revising provisions relating to implementation of affirmative action plans by agency heads, state attorneys, and public defenders; amending and renumbering s. 110.113, F.S.; requiring all state employees to participate in the direct deposit program; revising conditions for requesting an exemption; amending and renumbering s. 110.124, F.S.; providing that an employee who is terminated solely because of attaining age 65 may request voluntary binding arbitration or apply to the circuit court for relief; amending and renumbering s. 110.1245, F.S.; providing for a savings sharing program of awards for certain state agency and judicial branch employees; requiring a report; providing for annual bonus payments to employees; directing agency heads to develop a plan for awarding bonuses and providing requirements with respect thereto; authorizing department heads to incur expenditures for certain awards; repealing s. 110.1246, F.S., which provides for lump-sum bonus payments to employees; amending and renumbering s. 110.131, F.S.; revising the time limitation on employment of other-personal-services temporary employees; requiring approval of the Governor’s Office of Policy and Budget for extensions of such limitations; revising exemptions from such limitation; amending and renumbering s. 110.203, F.S.; revising definitions; revising the definition of “layoff” to include outsourcing or privatization; creating s. 109.2035, F.S.; directing the Department of Management Services, in consultation with specified entities, to develop a civil service classification and compensation program and providing requirements with respect thereto; directing the department to establish guidelines regarding certain types of pay and providing duties of agencies with respect thereto; amending and renumbering s. 110.205, F.S.; providing additional positions that are exempt from the Career Service System and included in the Selected Exempt Service; providing that when an employee transfers from the Career Service System to the Selected Exempt Service, unused annual and sick leave, and, under certain conditions, unused compensatory leave, shall carry forward; repealing ss. 109.207 and 109.209, F.S., as renumbered by the act, relating to establishment and maintenance of a uniform classification plan and an equitable pay plan and related agency duties; amending and renumbering ss. 110.211 and 110.213, F.S.; revising requirements with respect to recruitment and selection; requiring completion of a probationary period before attainment of permanent status for new

employees; amending and renumbering s. 110.219, F.S.; providing requirements regarding leave benefits for Senior Management Service employees; amending and renumbering s. 110.224, F.S.; revising requirements relating to a review and performance planning system and designating such system a public employee performance evaluation system; revising requirements relating to certain information furnished to employees and employee evaluation; amending and renumbering s. 110.227, F.S.; providing that a career service employee other than a law enforcement or correctional officer or a firefighter may be suspended or dismissed for reasonable cause; providing that reasonable cause shall be determined by the agency head and specifying actions included thereunder; specifying actions that constitute an abuse of the agency head’s sound discretion; revising certain responsibilities of agency heads; providing that, except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff shall not include “bumping”; deleting a requirement that a layoff be conducted within an identified competitive area with regard to employees other than law enforcement or correctional officers or firefighters; providing for appeal of reductions in pay, transfers, layoffs, or demotions to, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; providing that, for any alleged adverse agency action against an employee other than a law enforcement or correctional officer or a firefighter occurring after a specified date, the employee bears the burden of proof to establish that the agency head abused his or her discretion; creating s. 109.237, F.S.; creating an Office of Employee Relations within the Department of Management Services; providing for an executive director, a general counsel, and an administrative assistant, and their qualifications and duties; providing for additional personnel; providing duties of the department; providing powers and duties of the office; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employee’s burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the office; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit court for an order confirming, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, 110.605, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363, 121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 216.262, F.S.; authorizing efficiency awards to state agencies based on changes to authorized positions and providing requirements with respect thereto; amending s. 447.201, F.S., relating to the statement of public policy regarding public employees; amending s. 447.205, F.S., relating to creation of the Public Employees Relations Commission; repealing s. 447.207(8), (9), (10), and (11), F.S., which provide for appeals to the commission with regard to adverse agency actions against career service employees; amending s. 447.208, F.S.; providing the employee’s burden of proof for alleged adverse agency actions occurring on or after July 1, 2001; repealing s. 447.208, F.S., which provides procedures for appeals to the commission regarding certain adverse agency actions, and s. 447.2085, F.S., which provides for rules with

respect thereto, effective January 1, 2002; amending s. 447.307, F.S.; providing requirements with respect to bargaining units for certain law enforcement agencies; amending s. 447.503, F.S.; conforming language; amending s. 447.507, F.S.; revising conditions under which a person who violates the strike prohibition may be employed or appointed; amending s. 39.202, F.S.; providing for access to certain records by the office; amending s. 112.044, F.S., which prohibits age discrimination against public employees; providing for court action by an aggrieved employee if voluntary binding arbitration is not conducted; amending s. 112.0455, F.S., the Drug-Free Workplace Act; providing for appeals with respect to discipline or not being hired under said act to the circuit court rather than the commission, or for voluntary binding arbitration; amending s. 112.31895, F.S.; providing for judicial review of notice of termination of an investigation in connection with the Whistle-blower's Act rather than commission review; conforming language; amending s. 120.80, F.S.; conforming language; repealing s. 125.0108(2)(d), F.S., and amending ss. 376.75, 403.718, and 538.11, F.S.; removing provisions which authorize certain actions by the Department of Revenue pursuant to rules of the commission or the Career Service Commission; amending ss. 284.30 and 284.31, F.S.; conforming language; amending s. 415.107, F.S.; providing for access to certain records by the office; repealing ss. 944.35(3)(c) and 985.4045(1)(b), F.S., which provide that violations by Department of Corrections employees of prohibitions against malicious battery and sexual misconduct, and violations by Department of Juvenile Justice employees of the prohibition against sexual misconduct, as determined by the commission, constitute cause for dismissal; directing the office to coordinate a transition plan; specifying transitional powers and duties of the commission and providing that it shall cease to hear certain appeals after June 30, 2002; providing an appropriation; transferring the commission to the Department of Management Services and certain of its property and personnel to the office; providing for budget amendments; providing for rules; providing effective dates.

—was read the third time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

THE SPEAKER IN THE CHAIR

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

### Special Orders

#### Resolutions

On motion by Rep. Andrews, the rules were waived and HR 9017 was allowed for introduction and consideration—

By Representative Andrews—

**HR 9017**—A resolution commemorating the lifetime accomplishments of Chris J. Kalfas.

WHEREAS, Chris J. Kalfas was born on August 31, 1929, in Martin's Ferry, Ohio, but soon thereafter moved with his family to Tallahassee, and

WHEREAS, Chris Kalfas attended Leon County public schools, where he was a star member of the Leon High School track and football teams, and

WHEREAS, Chris Kalfas attended and graduated from the Florida State University, where, in 1947 and 1948, he was lineman on Florida State's first two football teams, and

WHEREAS, Chris continued to be an enthusiastic FSU supporter for the rest of his life, providing scores of young people with loans and scholarships to attend his alma mater, and becoming one of the first members and organizers of the Golden Chiefs, whose members individually contribute \$10,000 or more annually to the FSU football program, and

WHEREAS, after graduating from Florida State in 1951, Chris Kalfas entered the family business, becoming the manager of the Silver Slipper restaurant, which his father Jimmy had established in 1938 and which he was to guide with great success through good times and bad for nearly 50 years, and

WHEREAS, "Daddy Chris," as he came to be known to governors, legislators, business leaders, lobbyists, and just regular Tallahassee "folk" alike over the ensuing decades always treated people as if they were members of his family, and

WHEREAS, "Daddy Chris," who was never judgmental, had a gift for putting people at ease and a smile on their faces, thereby creating a Cheers mentality among his loyal, long-time customers as well as the "walk-ins," and

WHEREAS, the Silver Slipper continued to grow from its original "digs" on South Monroe Street into a multifaceted restaurant business located on its own street, appropriately designated by the Mayor and the City Commission as Silver Slipper Lane, and

WHEREAS, "Daddy Chris" was a Shriner and a member of numerous civic and professional organizations, including the Florida Restaurant Association, of which he was an organizing member, and the Governor's Council on Tourism, and

WHEREAS, Chris Kalfas was an ardent fisherman and golfer whose chief passion his entire life was operating the Silver Slipper, a Tallahassee institution that is regularly ranked among Florida's top 200 restaurants and, in 1997, was named one of Florida's top 20 restaurants by Florida Trend magazine, and

WHEREAS, there has been established the Chris J. Kalfas Memorial Scholarship Fund in the Department of Hospitality Administration of the College of Business at the Florida State University to evidence the lifelong love and loyalty that "Daddy Chris" gave to his alma mater, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes and commemorates the lifetime accomplishments of Chris J. Kalfas.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the family of Chris J. Kalfas as a tangible token of the great esteem held for Chris Kalfas by the Florida House of Representatives.

—was read the first time by title and the second time by title. On motion by Rep. Andrews, the resolution was adopted.

On motion by Rep. Goodlette, the board was opened [Session Vote Sequence: 62] and the following Members were recorded as cosponsors of the resolution, along with Rep. Andrews: Reps. Alexander, Allen, Argenziano, Arza, Attkisson, Atwater, Ausley, Baker, Ball, Barreiro, Baxley, Bean, Bendross-Mindingall, Bennett, Bense, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Carassas, Clarke, Crow, Cusack, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Feeney, Fields, Fiorentino, Flanagan, Frankel, Gannon, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrell, Harrington, Hart, Henriquez, Heyman, Hogan, Holloway, Jennings, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Lacasa, Lee, Lerner, Littlefield, Lynn, Macheck, Mack, Mahon, Mayfield, Maygarden, McGriff, Meadows, Meador, Melvin, Miller, Murman, Needelman, Negron, Peterman, Pickens, Prieguez, Rich, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Slosberg, Smith, Sobel, Sorensen, Spratt, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, and Wishner.

### Continuation of Bills and Joint Resolutions on Third Reading

#### Continuation of Bill Subject to Special Rule

**HB 369**—A bill to be entitled An act relating to public employees; renumbering parts I, II, III, IV, and V of ch. 110, F.S., as parts I, II, III,

IV, and V of ch. 109, F.S.; amending and renumbering s. 110.107, F.S.; revising definitions; repealing s. 110.108, F.S., relating to pilot projects for agencies seeking managerial flexibility for personnel programs, s. 110.109, F.S., relating to personnel audits of agencies, and s. 110.1095, F.S., relating to training programs for supervisors and managers; amending and renumbering s. 110.1099, F.S.; specifying duties of agency heads with respect to education and training opportunities for state employees; amending and renumbering s. 110.112, F.S.; providing policy relating to use of human resources; revising provisions relating to implementation of affirmative action plans by agency heads, state attorneys, and public defenders; amending and renumbering s. 110.113, F.S.; requiring all state employees to participate in the direct deposit program; revising conditions for requesting an exemption; amending and renumbering s. 110.124, F.S.; providing that an employee who is terminated solely because of attaining age 65 may request voluntary binding arbitration or apply to the circuit court for relief; amending and renumbering s. 110.1245, F.S.; providing for a savings sharing program of awards for certain state agency and judicial branch employees; requiring a report; providing for annual bonus payments to employees; directing agency heads to develop a plan for awarding bonuses and providing requirements with respect thereto; authorizing department heads to incur expenditures for certain awards; repealing s. 110.1246, F.S., which provides for lump-sum bonus payments to employees; amending and renumbering s. 110.131, F.S.; revising the time limitation on employment of other-personal-services temporary employees; requiring approval of the Governor's Office of Policy and Budget for extensions of such limitations; revising exemptions from such limitation; amending and renumbering s. 110.203, F.S.; revising definitions; revising the definition of "layoff" to include outsourcing or privatization; creating s. 109.2035, F.S.; directing the Department of Management Services, in consultation with specified entities, to develop a civil service classification and compensation program and providing requirements with respect thereto; directing the department to establish guidelines regarding certain types of pay and providing duties of agencies with respect thereto; amending and renumbering s. 110.205, F.S.; providing additional positions that are exempt from the Career Service System and included in the Selected Exempt Service; providing that when an employee transfers from the Career Service System to the Selected Exempt Service, unused annual and sick leave, and, under certain conditions, unused compensatory leave, shall carry forward; repealing ss. 109.207 and 109.209, F.S., as renumbered by the act, relating to establishment and maintenance of a uniform classification plan and an equitable pay plan and related agency duties; amending and renumbering ss. 110.211 and 110.213, F.S.; revising requirements with respect to recruitment and selection; requiring completion of a probationary period before attainment of permanent status for new employees; amending and renumbering s. 110.219, F.S.; providing requirements regarding leave benefits for Senior Management Service employees; amending and renumbering s. 110.224, F.S.; revising requirements relating to a review and performance planning system and designating such system a public employee performance evaluation system; revising requirements relating to certain information furnished to employees and employee evaluation; amending and renumbering s. 110.227, F.S.; providing that a career service employee other than a law enforcement or correctional officer or a firefighter may be suspended or dismissed for reasonable cause; providing that reasonable cause shall be determined by the agency head and specifying actions included thereunder; specifying actions that constitute an abuse of the agency head's sound discretion; revising certain responsibilities of agency heads; providing that, except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff shall not include "bumping"; deleting a requirement that a layoff be conducted within an identified competitive area with regard to employees other than law enforcement or correctional officers or firefighters; providing for appeal of reductions in pay, transfers, layoffs, or demotions, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; providing that, for any alleged adverse agency action against an employee other than a law enforcement or correctional officer or a firefighter occurring after a specified date, the employee bears the burden of proof to establish that the agency head abused his or her discretion; creating s. 109.237, F.S.; creating an Office of Employee Relations within the Department of

Management Services; providing for an executive director, a general counsel, and an administrative assistant, and their qualifications and duties; providing for additional personnel; providing duties of the department; providing powers and duties of the office; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employee's burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the office; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit court for an order confirming, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, 110.605, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363, 121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 216.262, F.S.; authorizing efficiency awards to state agencies based on changes to authorized positions and providing requirements with respect thereto; amending s. 447.201, F.S., relating to the statement of public policy regarding public employees; amending s. 447.205, F.S., relating to creation of the Public Employees Relations Commission; repealing s. 447.207(8), (9), (10), and (11), F.S., which provide for appeals to the commission with regard to adverse agency actions against career service employees; amending s. 447.208, F.S.; providing the employee's burden of proof for alleged adverse agency actions occurring on or after July 1, 2001; repealing s. 447.208, F.S., which provides procedures for appeals to the commission regarding certain adverse agency actions, and s. 447.2085, F.S., which provides for rules with respect thereto, effective January 1, 2002; amending s. 447.307, F.S.; providing requirements with respect to bargaining units for certain law enforcement agencies; amending s. 447.503, F.S.; conforming language; amending s. 447.507, F.S.; revising conditions under which a person who violates the strike prohibition may be employed or appointed; amending s. 39.202, F.S.; providing for access to certain records by the office; amending s. 112.044, F.S., which prohibits age discrimination against public employees; providing for court action by an aggrieved employee if voluntary binding arbitration is not conducted; amending s. 112.0455, F.S., the Drug-Free Workplace Act; providing for appeals with respect to discipline or not being hired under said act to the circuit court rather than the commission, or for voluntary binding arbitration; amending s. 112.31895, F.S.; providing for judicial review of notice of termination of an investigation in connection with the Whistle-blower's Act rather than commission review; conforming language; amending s. 120.80, F.S.; conforming language; repealing s. 125.0108(2)(d), F.S., and amending ss. 376.75, 403.718, and 538.11, F.S.; removing provisions which authorize certain actions by the Department of Revenue pursuant to rules of the commission or the Career Service Commission; amending ss. 284.30 and 284.31, F.S.; conforming language; amending s. 415.107, F.S.; providing for access to certain records by the office; repealing ss. 944.35(3)(c) and 985.4045(1)(b), F.S., which provide that violations by Department of Corrections employees of prohibitions against malicious battery and sexual misconduct, and violations by Department of Juvenile Justice employees of the prohibition against sexual misconduct, as determined by the commission, constitute cause for

dismissal; directing the office to coordinate a transition plan; specifying transitional powers and duties of the commission and providing that it shall cease to hear certain appeals after June 30, 2002; providing an appropriation; transferring the commission to the Department of Management Services and certain of its property and personnel to the office; providing for budget amendments; providing for rules; providing effective dates.

—was taken up, having been read the third time earlier today; now pending roll call.

The question recurred on the passage of HB 369. The vote was:

Session Vote Sequence: 63

Yeas—74

The Chair	Brown	Green	Mealor
Alexander	Brummer	Haridopolos	Melvin
Allen	Byrd	Harrell	Miller
Andrews	Cantens	Harrington	Murman
Argenziano	Carassas	Hart	Negron
Arza	Clarke	Hogan	Paul
Attkisson	Crow	Johnson	Pickens
Atwater	Davis	Jordan	Prieguez
Baker	Detert	Kallinger	Ross
Ball	Diaz de la Portilla	Kottkamp	Rubio
Barreiro	Diaz-Balart	Kravitz	Russell
Baxley	Dockery	Kyle	Simmons
Bean	Farkas	Lacasa	Sorensen
Bennett	Fiorentino	Littlefield	Spratt
Bense	Flanagan	Lynn	Trovillion
Benson	Garcia	Mack	Wallace
Berfield	Gardiner	Mahon	Waters
Bilirakis	Gibson	Mayfield	
Bowen	Goodlette	Maygarden	

Nays—43

Ausley	Greenstein	Lee	Ryan
Bendross-Mindingall	Harper	Lerner	Seiler
Betancourt	Henriquez	Machek	Siplin
Brutus	Heyman	McGriff	Slosberg
Bucher	Holloway	Meadows	Smith
Cusack	Jennings	Needelman	Sobel
Fields	Joyner	Peterman	Stansel
Frankel	Justice	Rich	Weissman
Gannon	Kendrick	Richardson	Wiles
Gelber	Kilmer	Ritter	Wishner
Gottlieb	Kosmas	Romeo	

So the bill passed, as amended, and was certified to the Senate.

**CS/HB 409**—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 64

Yeas—112

The Chair	Attkisson	Baxley	Berfield
Alexander	Atwater	Bean	Betancourt
Allen	Ausley	Bendross-Mindingall	Bilirakis
Andrews	Baker	Bennett	Bowen
Argenziano	Ball	Bense	Brown
Arza	Barreiro	Benson	Brummer

Brutus	Gibson	Kottkamp	Peterman
Bucher	Goodlette	Kravitz	Pickens
Byrd	Gottlieb	Kyle	Rich
Cantens	Green	Lacasa	Romeo
Carassas	Greenstein	Lee	Ross
Clarke	Haridopolos	Lerner	Rubio
Crow	Harper	Littlefield	Russell
Cusack	Harrell	Lynn	Ryan
Davis	Harrington	Machek	Seiler
Detert	Hart	Mack	Simmons
Diaz de la Portilla	Henriquez	Mahon	Siplin
Diaz-Balart	Hogan	Mayfield	Smith
Dockery	Holloway	Maygarden	Sobel
Farkas	Jennings	McGriff	Sorensen
Fields	Johnson	Meadows	Spratt
Fiorentino	Jordan	Mealor	Stansel
Flanagan	Joyner	Melvin	Trovillion
Frankel	Justice	Miller	Wallace
Gannon	Kallinger	Murman	Waters
Garcia	Kendrick	Needelman	Weissman
Gardiner	Kilmer	Negron	Wiles
Gelber	Kosmas	Paul	Wishner

Nays—None

So the bill passed and was certified to the Senate.

**CS/HB 501**—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners’ permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to

abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 580.151, F.S., to abolish the Commercial Feed Technical Council; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

—was read the third time by title.

On motion by Rep. Spratt, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 313595)

**Amendment 2 (with title amendment)**—On page 40, lines 25-26, remove from the bill: all of said lines

And the title is amended as follows:

On page 3, lines 25-26, remove from the title of the bill: all of said lines

and insert in lieu thereof: conform;

Rep. Spratt moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 501. The vote was:

Session Vote Sequence: 65

Yeas—110

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Dockery	Joyner	Negron
Baker	Farkas	Justice	Paul
Ball	Fields	Kallinger	Peterman
Barreiro	Florentino	Kendrick	Pickens
Baxley	Flanagan	Kilmer	Rich
Bean	Frankel	Kosmas	Richardson
Bendross-Mindingall	Gannon	Kottkamp	Romeo
Bennett	Garcia	Kravitz	Ross
Benson	Gardiner	Kyle	Rubio
Berfield	Gelber	Lacasa	Russell
Betancourt	Gibson	Lee	Ryan
Bilirakis	Goodlette	Lerner	Seiler
Bowen	Gottlieb	Littlefield	Simmons
Brown	Green	Lynn	Siplin
Brummer	Greenstein	Machek	Smith
Brutus	Haridopolos	Mack	Sobel
Bucher	Harper	Mahon	Sorensen
Byrd	Harrell	Mayfield	Spratt
Cantens	Hart	Maygarden	Stansel
Carassas	Henriquez	McGriff	Trovillion
Clarke	Heyman	Meadows	Wallace
Crow	Hogan	Mealor	Waters
Davis	Holloway	Melvin	Wiles
Detert	Jennings	Miller	Wishner
Diaz de la Portilla	Johnson	Murman	
Diaz-Balart	Jordan	Needelman	

Nays—2

Cusack Weissman

So the bill passed, as amended, and was certified to the Senate after engrossment.

## Continuation of Special Orders

### Special Order Calendar

**HB 1083**—A bill to be entitled An act relating to public records; providing an exemption from the public records law for photographs and video recordings of an autopsy; providing for access by a state or federal agency as provided by law and in furtherance of the agency's statutory duties; providing a penalty; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

The Committee on State Administration offered the following:

(Amendment Bar Code: 874155)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. (1) *All photographs or video recordings of an autopsy in the possession of a district medical examiner pursuant to chapter 406 are confidential and exempt from the provisions of s. 119.07(1), and s. 24(a), Article I of the State Constitution, except as otherwise provided herein. Photographs and video recordings of an autopsy made confidential and exempt by this section shall be disclosed for viewing or copying:*

(a) *Pursuant to a written waiver by the surviving spouse. If there is no surviving spouse, then pursuant to a written waiver by a surviving parent; and, if there is no surviving spouse or parent, then pursuant to written waiver by an adult child of the deceased; or*

(b) *Pursuant to a written request by a local government, state agency, or federal agency, in the furtherance of its official duties; and, unless otherwise required in the performance of their duties, the identity of the deceased shall remain confidential and exempt.*

(2) *Any person may petition the court for an order to make the photographs and video recordings available for inspection. Pursuant to*



such a public records petition, and the petitioner's showing of good cause, the court may authorize inspection pursuant to the terms and conditions which it deems appropriate, but shall not authorize copying; provided that the surviving spouse is given reasonable notice of the petition, and a copy of the petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, then such notice must be given to the deceased's parents, and if the deceased has no living parents, then to the adult children of the deceased.

In determining good cause the court shall consider:

a) The necessity of the viewing in determining governmental accountability;

b) The ramifications of the viewing with respect to the family's right to privacy; and

c) The availability of similar information in other forms.

(3) The viewing or copying of an autopsy photograph or video recording pursuant to this section shall be under the direct supervision of the custodian of the record or his or her designee.

(4) The district medical examiner or associate medical examiner, in his or her official capacity, may use the photographs or video recordings for the purposes of seeking another expert medical opinion, for providing professional training, for case-related medical or scientific research purposes, or for other purposes solely related to the accomplishment of the district or associate medical examiner's duties and responsibilities. However, the identity of the deceased shall remain confidential and exempt, unless a waiver has been obtained as provided for in subsection (1)(a).

(5) Any person who willfully or knowingly violates this section commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084.

(6) This exemption shall be given retroactive application. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that photographs or video recordings of an autopsy be made confidential and exempt. Photographs or video recordings of an autopsy are highly sensitive, graphic depictions of the deceased, which, if viewed, copied, or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased, and is an invasion of that family's privacy, as well as injurious to the memories of the deceased. Furthermore, the Legislature finds that the existence of the World Wide Web and the proliferation of personal computers throughout the world encourages and promotes the worldwide dissemination of photographs and video recordings 24 hours a day, and that widespread dissemination of autopsy photographs and video recordings would subject the immediate family of the deceased to continuous injury. The Legislature further finds that there are other types of available information, such as the autopsy report, which is less intrusive and injurious to the immediate family member of the deceased but which continues to provide for public oversight. Furthermore, the Legislature finds that it is a public necessity that the exemption provided in this act be given retroactive application because it is remedial in nature and it furthers the public policy embodied in s. 382.008, that all information on the death certificate relating to the cause of death is confidential.

Section 3. This act shall take effect upon becoming a law and shall apply to all autopsy photographs and video recordings in the custody of a district medical examiner, whether made before or after the effective date of this act.

And the title is amended as follows:

On page 1, lines 3 through 7, remove from the title of the bill: all of said lines

and insert in lieu thereof: exemption from public records requirements for photographs and video recordings of an autopsy; providing exceptions; providing a

Rep. Miller moved the adoption of the amendment.

On motion by Rep. Johnson, under Rule 12.2(c), the following late-filed substitute amendment was considered.

Representative(s) Johnson and Miller offered the following:

(Amendment Bar Code: 822831)

**Substitute Amendment 1 (with title amendment)—**  
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. (1) A photograph or video or audio recording of an autopsy in the custody of a medical examiner is confidential and exempt from the requirements of section 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse may view and copy a photograph or video or listen to or copy an audio recording of the deceased spouse's autopsy. If there is no surviving spouse, then the surviving parents shall have access to such records. If there is no surviving spouse or parent, then an adult child shall have access to such records. A local governmental entity, or a state or federal agency, in furtherance of its official duties, pursuant to a written request, may view or copy a photograph or video or may listen to or copy an audio recording of an autopsy, and unless otherwise required in the performance of their duties, the identity of the deceased shall remain confidential and exempt. The custodian of the record, or his or her designee, may not permit any other person to view or copy such photograph or video recording or listen to or copy an audio recording without a court order. For the purposes of this section, the term "medical examiner" means any district medical examiner, associate medical examiner, or substitute medical examiner acting pursuant to ch. 406, as well as any employee, deputy, or agent of a medical examiner or any other person who may obtain possession of a photograph or audio or video recording of an autopsy in the course of assisting a medical examiner in the performance of his or her official duties.

(2)(a) The court, upon a showing of good cause, may issue an order authorizing any person to view or copy a photograph or video recording of an autopsy or to listen to or copy an audio recording of an autopsy and may prescribe any restrictions or stipulations that the court deems appropriate.

In determining good cause, the court shall consider whether such disclosure is necessary for the public evaluation of governmental performance; the seriousness of the intrusion into the family's right to privacy and whether such disclosure is the least intrusive means available; and the availability of similar information in other public records, regardless of form. In all cases, the viewing, copying, listening to or other handling of a photograph or video or audio recording of an autopsy must be under the direct supervision of the custodian of the record or his or her designee.

(2)(b) A surviving spouse shall be given reasonable notice of a petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, then such notice must be given to the deceased's parents, and if the deceased has no living parent, then to the adult children of the deceased.

(3)(a) Any custodian of a photograph or video or audio recording of an autopsy who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(b) Any person who willfully and knowingly violates a court order issued pursuant to this section commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(c) A criminal or administrative proceeding is exempt from this section, but unless otherwise exempted, is subject to all other provisions of Chapter 119, Florida Statutes, provided however that this section does not prohibit a court in a criminal or administrative proceeding upon good cause shown from restricting or otherwise controlling the disclosure of an autopsy, crime-scene, or similar photograph or video or audio recordings in the manner prescribed herein.

(4) This exemption shall be given retroactive application.

(5) The exemption in this section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that photographs and video and audio recordings of an autopsy be made confidential and exempt from the requirements of section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution. The Legislature finds that photographs or video or audio recordings of an autopsy depict or describe the deceased in graphic and often disturbing fashion. Such photographs or video or audio recordings may depict or describe the deceased nude, bruised, bloodied, broken, with bullet or other wounds, cut open, dismembered, or decapitated. As such, photographs or video or audio recordings of an autopsy are highly sensitive depictions or descriptions of the deceased which, if heard, viewed, copied or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased, as well as injury to the memory of the deceased. The Legislature notes that the existence of the World Wide Web and the proliferation of personal computers throughout the world encourages and promotes the wide dissemination of photographs and video and audio recordings 24 hours a day and that widespread unauthorized dissemination of autopsy photographs and video and audio recordings would subject the immediate family of the deceased to continuous injury. The Legislature further notes that there continue to be other types of available information, such as the autopsy report, which are less intrusive and injurious to the immediate family members of the deceased and which continue to provide for public oversight. The Legislature further finds that the exemption provided in this act should be given retroactive application because it is remedial in nature.

Section 3. This act shall take effect upon becoming a law, and shall apply to all photographs or video or audio recordings of an autopsy, regardless of whether the autopsy was performed before or after the effective date of the act.

And the title is amended as follows: On page 1, lines 2 through 10, remove from the title of the bill: all of said lines

and insert in lieu thereof: A bill to be entitled An act relating to public records; providing an exemption from the public records law for photographs and video and audio recordings of an autopsy; providing an exemption for certain members of the immediate family, or a representative thereof, or a state or federal agency; prohibiting the custodian of a photograph or video or audio recording of an autopsy from permitting any person to view or duplicate a photograph or video or audio, except pursuant to court order and under the direct supervision of the custodian or his or her designee; exempting criminal and administrative proceedings from the act; requiring certain persons to be parties in a request for access to a photograph or video or audio recording of an autopsy; providing penalties; providing for future legislative review and repeal; providing a finding of public necessity; providing a retroactive effective date.

Rep. Johnson moved the adoption of the substitute amendment.

Rep. Gelber moved that, under Rule 12.2(c), a late-filed amendment to the substitute amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 66

Yeas—32

Ausley	Gottlieb	Kosmas	Romeo
Bendross-Mindingall	Greenstein	Lerner	Ryan
Betancourt	Harper	Machek	Seiler
Bucher	Henriquez	McGriff	Siplin
Cusack	Holloway	Meadows	Smith
Fields	Jennings	Peterman	Weissman
Frankel	Joyner	Rich	Wiles
Gannon	Justice	Richardson	Wishner

Nays—72

The Chair	Brown	Haridopolos	Maygarden
Alexander	Brummer	Harrell	Mealor
Allen	Byrd	Hart	Melvin
Andrews	Cantens	Hogan	Miller
Arza	Carassas	Johnson	Murman
Attkisson	Clarke	Jordan	Needelman
Atwater	Crow	Kallinger	Negron
Baker	Davis	Kendrick	Paul
Ball	Diaz de la Portilla	Kilmer	Pickens
Barreiro	Diaz-Balart	Kottkamp	Rubio
Baxley	Dockery	Kravitz	Russell
Bean	Farkas	Kyle	Simmons
Bennett	Fiorentino	Lacasa	Sorensen
Bense	Flanagan	Littlefield	Spratt
Benson	Garcia	Lynn	Stansel
Berfield	Gardiner	Mack	Trovillion
Billirakis	Gibson	Mahon	Wallace
Bowen	Goodlette	Mayfield	Waters

The question recurred on the adoption of **Substitute Amendment 1**.

#### Reconsideration

On motion by Rep. Goodlette, the House reconsidered the vote by which a late-filed amendment to Substitute Amendment 1 was not allowed for consideration.

The question recurred on the motion by Rep. Gelber to allow a late-filed amendment to Substitute Amendment 1, which was agreed to.

On motion by Rep. Gelber, under Rule 12.2(c), the following late-filed amendment to the substitute amendment was considered.

Representative(s) Gelber and McGriff offered the following:

(Amendment Bar Code: 425227)

**Amendment 1 to Substitute Amendment 1 (with title amendment)**—On page 1, line 18 through page 4, line 31, remove from the substitute amendment: all of said lines

and insert in lieu thereof:

Section 1. (1) All photographs, audio recordings, or video recordings of an autopsy in the possession of a district medical examiner pursuant to chapter 406 are confidential and exempt from the provisions of s. 119.07(1), and s. 24(a), Article I of the State Constitution, except as otherwise provided herein. Photographs, audio recordings, and video recordings of an autopsy made confidential and exempt by this section shall be disclosed for viewing or listening in all cases, but may only be copied:

(a) Pursuant to a written waiver by the surviving spouse. If there is no surviving spouse, then pursuant to a written waiver by a surviving parent; and, if there is no surviving spouse or parent, then pursuant to written waiver by an adult child of the deceased; or

(b) Pursuant to a written request by a local government, state agency, or federal agency, in the furtherance of its official duties; and, unless otherwise required in the performance of their duties, the identity of the deceased shall remain confidential and exempt.

(2) Any person may petition the court for an order to make the photographs, audio recordings, and video recordings available for copying. Pursuant to such a public records petition, and the petitioner's showing of good cause, the court may authorize copying pursuant to the terms and conditions which it deems appropriate; provided that the surviving spouse is given reasonable notice of the petition, and a copy of the petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, then such notice must be given to the deceased's parents, and if the deceased has no living parents, then to the adult children of the deceased.

In determining good cause the court shall consider:

- a) The necessity of the copying in determining governmental accountability;
- b) The ramifications of the copying with respect to the family's right to privacy; and
- c) The availability of similar information in other forms.

(3) The viewing or copying of an autopsy photograph, audio recording, or video recording pursuant to this section shall be under the direct supervision of the custodian of the record or his or her designee.

(4) The district medical examiner or associate medical examiner, in his or her official capacity, may use the photographs or video recordings for the purposes of seeking another expert medical opinion, for providing professional training, for case-related medical or scientific research purposes, or for other purposes solely related to the accomplishment of the district or associate medical examiner's duties and responsibilities. However, the identity of the deceased shall remain confidential and exempt, unless a waiver has been obtained as provided for in subsection (1)(a).

(5) Any person who willfully or knowingly violates this section commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084.

(6) This exemption shall be given retroactive application. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that copies of photographs, audio recordings, or video recordings of an autopsy be made confidential and exempt. Photographs, audio recordings, or video recordings of an autopsy are highly sensitive, graphic depictions of the deceased, which, if copied, or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased, and is an invasion of that family's privacy, as well as injurious to the memories of the deceased. Furthermore, the Legislature finds that the existence of the World Wide Web and the proliferation of personal computers throughout the world encourages and promotes the worldwide dissemination of photographs and video recordings 24 hours a day, and that widespread dissemination of autopsy photographs and video recordings would subject the immediate family of the deceased to continuous injury. The Legislature further finds that there are other types of available information, such as the autopsy report, which is less intrusive and injurious to the immediate family member of the deceased but which continues to provide for public oversight. Furthermore, the Legislature finds that it is a public necessity that the exemption provided in this act be given retroactive application because it is remedial in nature.

And the title is amended as follows:

On page 5, lines 13 through 31, of the amendment remove from the title of the amendment: all of said lines

and insert in lieu thereof: An act relating to public records; providing an exemption from the public records law for copying photographs and video and audio recordings of an autopsy; providing an exemption for certain members of the immediate family, or a representative thereof,

or a state or federal agency; providing for further exceptions to the exemption; providing a penalty; providing for future legislative

Rep. Gelber moved the adoption of the amendment to the substitute amendment.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 67].

The question recurred on the adoption of **Amendment 1 to Substitute Amendment 1**, which failed of adoption. The vote was:

Session Vote Sequence: 68

Yeas—29

Ausley	Gannon	Lerner	Seiler
Baker	Gelber	Machek	Siplin
Bendross-Mindingall	Gottlieb	McGriff	Smith
Betancourt	Heyman	Meadows	Weissman
Bucher	Holloway	Peterman	Wishner
Cusack	Jennings	Rich	
Fields	Joyner	Richardson	
Frankel	Kravitz	Romeo	

Nays—72

The Chair	Brummer	Hart	Maygarden
Alexander	Byrd	Henriquez	Mealor
Allen	Cantens	Hogan	Melvin
Andrews	Carassas	Johnson	Miller
Arza	Clarke	Jordan	Murman
Attkisson	Crow	Justice	Needelman
Atwater	Davis	Kallinger	Negron
Ball	Diaz-Balart	Kendrick	Paul
Barreiro	Dockery	Kilmer	Pickens
Baxley	Farkas	Kosmas	Russell
Bean	Fiorentino	Kottkamp	Ryan
Bennett	Flanagan	Kyle	Simmons
Bense	Gardiner	Lacasa	Sorensen
Benson	Gibson	Littlefield	Stansel
Berfield	Goodlette	Lynn	Trovillion
Bilirakis	Greenstein	Mack	Wallace
Bowen	Harper	Mahon	Waters
Brown	Harrell	Mayfield	Wiles

The question recurred on the adoption of **Substitute Amendment 1**, which was adopted.

On motion by Rep. Johnson, the rules were waived and HB 1083, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 69

Yeas—91

The Chair	Betancourt	Flanagan	Kendrick
Alexander	Bilirakis	Frankel	Kilmer
Allen	Bowen	Garcia	Kosmas
Andrews	Brown	Gardiner	Kottkamp
Arza	Brummer	Gibson	Kravitz
Attkisson	Byrd	Goodlette	Kyle
Atwater	Cantens	Greenstein	Lacasa
Ausley	Carassas	Harper	Littlefield
Baker	Clarke	Harrell	Lynn
Ball	Crow	Hart	Machek
Barreiro	Cusack	Henriquez	Mack
Baxley	Davis	Hogan	Mahon
Bean	Diaz de la Portilla	Holloway	Mayfield
Bendross-Mindingall	Diaz-Balart	Jennings	Maygarden
Bennett	Dockery	Johnson	Meadows
Bense	Farkas	Jordan	Mealor
Benson	Fields	Justice	Melvin
Berfield	Fiorentino	Kallinger	Miller

Murman	Richardson	Seiler	Wallace
Needelman	Romeo	Simmons	Waters
Negron	Rubio	Siplin	Wiles
Paul	Russell	Stansel	Wishner
Pickens	Ryan	Trovillion	

## Nays—12

Bucher	Gottlieb	Lerner	Rich
Gannon	Heyman	McGriff	Smith
Gelber	Joyner	Peterman	Weissman

So the bill passed, as amended. On motion by Rep. Johnson, the rules were waived and the bill was immediately certified to the Senate after engrossment.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

### Motions Relating to Committee References

On motion by Rep. Byrd, the rules were waived and the following Members were allowed to file the following drafts after the filing deadline:

Rep. Baxley	Drafts 747-109-01 (HB 1899) and 747-110-01 (HB 1901)
Rep. Melvin	Draft 556-245-01 (HB 1903)
Rep. Haridopolos	Draft 765-105-01 (HB 1785)
Rep. Berfield	Draft 752-111-01 (HB 1787)
Rep. Hogan	Draft 768-110-01 (HB 1795)
Rep. Needelman	Draft 785-114B-01 (HB 1793)
Rep. Sobel	Draft 710-124-01 (HB 1791)
Rep. Garcia	Draft 800-105-01 (HB 1789)

On motion by Rep. Byrd, the rules were waived and the following Members were allowed to withdraw the following bills from further consideration and replace them with the specified drafts.

Rep. Brutus	Withdraw HB 565 and replace with Draft 755-113-01 (HB 1783)
Rep. Machek	Withdraw HB 1021 and replace with Draft 779-109-01 (HB 1779)
Rep. Machek	Withdraw HB 877 and replace with Draft 779-108-01 (HB 1781)
Rep. Murman	Withdraw HB 1261 and replace with Draft 583-218A-01 (HB 1777)

On motion by Rep. Melvin, the rules were waived to allow a draft concurrent resolution [Draft 556-224-01 (HCR 1797)] to be filed after the filing deadline without being counted against the limit of six bills.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

### Continuation of Special Orders

#### Resolutions

**HR 9001**—A resolution recognizing March 22, 2001, as “St. Johns County Day” in Tallahassee.

WHEREAS, on September 8, 1565, Don Pedro Menendez de Aviles founded St. Augustine, the oldest continuously occupied European settlement in the United States, and

WHEREAS, St. Johns County is the site for Fort Mose, established by Spaniards and former African slaves in 1738, the first free black fort and settlement in North America, and

WHEREAS, on July 21, 1821, St. Johns County, named for the St. Johns River, became one of Florida’s first two counties by ordinance proclaimed by Major General Andrew Jackson, and

WHEREAS, St. Johns County encompasses 609 square miles, from the many miles of beautiful beaches to the scenic Bartram Trail Highway that runs along the St. Johns River, and

WHEREAS, St. Johns County is a popular tourist destination, hosting more than 2 million visitors each year to the historic City of St. Augustine, St. Augustine Beach, and its other communities, and

WHEREAS, St. Johns County is one of the nation’s most recognized golf destinations and is home to the World Golf Hall of Fame, the PGA Tour’s annual Players Championship, and the Senior PGA Tour’s Liberty Mutual Legends of Golf, played at the World Golf Village, and

WHEREAS, St. Johns County is also home to the Association of Tennis Players Tour, headquartered in Ponte Vedra Beach, and

WHEREAS, agriculture is a critical component of the economy of St. Johns County, with its 149 farms on 49,631 agricultural acres comprising more than 12.7 percent of all the lands in the county and producing more than \$46 million in revenue annually, and

WHEREAS, the Legislature recognizes St. Johns County for its rich history and cultural diversity, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That March 22, 2001, be recognized as “St. Johns County Day” in Tallahassee.

—was read the second time by title. On motion by Rep. Wiles, the resolution was adopted.

**HR 9011**—A resolution designating March 29, 2001, as F.S.U. Day.

WHEREAS, the sesquicentennial anniversary of Florida State University was observed on January 24, 2001, and will be celebrated throughout 2001, the 150th year after its establishment by the Legislature in 1851 as the Seminary West of the Suwanee River, and

WHEREAS, the Tallahassee campus of Florida State University is the oldest continuous site of higher education in Florida and is home to the state’s first chapter of Phi Beta Kappa, and

WHEREAS, Florida State University is ranked third nationally in revenues generated from scientific research and discoveries and, in 1994, was designated as a “Research I” institution by the Carnegie Foundation, thus placing Florida State in an elite group of the nation’s top research universities, and

WHEREAS, today the university’s mission emphasizes teaching, research, and public service, with 17 independent colleges and schools, the newest being the College of Medicine, and offers graduate and undergraduate degrees in over 570 fields, many of which are nationally recognized programs, and

WHEREAS, as Florida’s most “wired” campus and a leader in the use of new technologies, Florida State University is setting the standard for distance learning and utilizing technology in the classroom and campuswide, and

WHEREAS, with a long-continuing tradition of promoting racial, ethnic, and cultural diversity, along with aggressive recruitment of diverse groups of students, the university has made the college experience an enriching one for its students and continues to be a tremendous source of pride for its students, faculty, alumni, friends, and administrators, as well as for all citizens of the state, and

WHEREAS, Florida State University has a strong reputation in the fine and performing arts, having developed distinguished programs in theatre, music, dance, and film, and has established a statewide presence with the Asolo Theatre, the Ringling Museum, and the Appleton Museum, and

WHEREAS, with its strong history as a liberal arts college, commitment to undergraduate education, and extensive and distinguished research in facilities such as the National High Magnetic Field Laboratory, Florida State University is truly on the cutting edge of higher education, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives hereby designates March 29, 2001, as F.S.U. Day in Tallahassee in recognition of Florida State University's 150 years as an outstanding institution of higher education.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Talbot "Sandy" D'Alemberte, President of Florida State University, as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Bense, the resolution was adopted.

**Motion to Adjourn**

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:00 a.m., Friday, March 30. The motion was agreed to.

**Recorded Votes**

Rep. Haridopolos:

Yeas—HB 1083

**Prime Sponsors**

- HB 727—Weissman
- HB 1145—Lynn
- HB 1193—Atwater
- HB 1505—Weissman

**Cosponsors**

- CS/HB 67—Littlefield
- HB 69—Sorensen
- HB 133—Dockery
- HB 145—Alexander, Baker
- HB 183—Farkas
- HB 185—Farkas
- CS/HB 249—Littlefield
- HB 337—Alexander
- HB 375—Mack
- HB 379—Alexander
- HB 485—Romeo
- HB 525—Slosberg
- HB 599—Gannon, Garcia
- HB 623—Argenziano, Dockery, Haridopolos, McGriff
- HB 643—Justice, Wiles
- HB 695—Gannon, Heyman, Kravitz, Spratt
- HB 985—Rich, Romeo
- HB 987—Allen, Barreiro, Bullard, Cantens, Davis, Heyman, Justice, Prieguez, Trovillion
- HB 1045—Brutus, Gannon, Jordan, Joyner, Paul
- HB 1083—Gibson
- HB 1095—Fiorentino, Justice, Kosmas, Lynn, Seiler
- HB 1109—Brutus, Gannon, Jordan, Joyner, Paul
- HB 1145—Attkisson, Baxley, Bean, Benson, Berfield, Brown, Detert, Garcia, Green, Hart, Hogan, Jordan, Kallinger, Kravitz, Mahon, Mealor, Negron, Paul, Ross, Russell, Simmons
- HB 1159—Diaz de la Portilla
- HB 1203—Cusack
- HB 1339—Crow
- HB 1355—Bendross-Mindingall, Cusack, Joyner, Justice, Machek, McGriff, Romeo, Ryan
- HB 1467—Paul
- HB 1481—Diaz de la Portilla, Henriquez, Meadows, Ross
- HB 1605—Bennett

**Introduction and Reference**

By the Fiscal Responsibility Council; Representative Johnson—

**HB 1749**—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of board

members and officers, compensation of board members, the executive director, and employees, and financial disclosure by board members; providing for board meetings; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board's annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1751**—A bill to be entitled An act relating to telemarketing; repealing ss. 501.605, 501.606, 501.607, 501.608, 501.609, 501.612, 501.622, and 501.626, F.S., to remove all provisions of the Florida Telemarketing Act relating to licensure and regulation of commercial telephone sellers and salespersons by the Department of Agriculture and Consumer Services; amending ss. 501.603, 501.604, 501.611, 501.613, 501.614, 501.615, 501.616, 501.618, 501.619, 501.621, and 501.623, F.S., to provide for enforcement of commercial telephone solicitation by the state attorneys, to conform; repealing s. 205.1973, F.S., relating to the issuance or renewal of local occupational licenses to telemarketing businesses, to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Maygarden—

**HB 1753**—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.8132, F.S.; deleting the requirement to provide choice counseling to eligible applicants under the Medikids program component; amending s. 409.815, F.S.; correcting a cross reference; amending s. 409.903, F.S.; revising Medicaid eligibility requirements for pregnant women and children under age 1; amending s. 409.904, F.S.; revising Medicaid eligibility requirements for certain elderly or disabled persons; revising Medicaid eligibility requirements of postpartum women for family planning services; authorizing payment for health insurance premiums of Medicaid-eligible individuals under certain circumstances; amending s. 409.905, F.S.; updating and revising provisions relating to hospital inpatient behavioral health services provided pursuant to a federally approved waiver; expanding provision of such services statewide; amending s. 409.906, F.S.; deleting adult denture services as optional Medicaid services and restricting authorized hearing and visual services to children; providing additional requirements for authorized intermediate care services; adding assistive care services as an optional Medicaid service for certain recipients; amending s. 409.9065, F.S.; correcting a cross reference; amending s. 409.908, F.S.; providing for reimbursement of hospital inpatient and outpatient services at certain rates; permitting reimbursement for certain Medicaid services based on competitive bidding; deleting redundant provisions; prohibiting increases in reimbursement rates to nursing homes associated with changes in ownership; precluding premium adjustments to managed care organizations under certain circumstances; revising provisions relating to physician reimbursement and the reimbursement fee schedule; deleting certain preferential Medicaid payments for dually eligible recipients; authorizing competitive procurement of transportation services or the securing through waivers of federal financing of

transportation services at certain rates; correcting a cross reference; authorizing public schools affiliated with Florida universities to separately enroll in the Medicaid certified school match program and certify local expenditures; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.91195, F.S.; revising provisions relating to the membership of the Medicaid Pharmaceutical and Therapeutics Committee; providing for development and distribution of a restricted drug formulary for Medicaid providers; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distributions to rural hospitals; amending s. 409.912, F.S.; authorizing continued reimbursement of substance abuse treatment services on a fee-for-service basis under certain conditions; expanding Medicaid managed care behavioral health services statewide; deleting requirement for choice counseling; deleting authorization to test new marketing initiatives relating to managed care options; deleting a restriction on adjustment of capitation rates; permitting competitive bidding for certain services; modifying reimbursement to pharmacies; permitting use of a restricted drug formulary, authorizing exemptions therefrom, and authorizing negotiation of supplemental rebates from manufacturers pursuant thereto; requiring prescriptions for Medicaid recipients to be on certain standardized forms; amending s. 409.915, F.S.; increasing county contributions to Medicaid for inpatient hospitalization; exempting counties from contributing toward the cost of inpatient services provided by certain hospitals and for special Medicaid payments under certain conditions; repealing s. 636.0145, F.S., relating to requirement for licensure of certain entities contracting with Medicaid to provide mental health care services in certain counties pursuant to federal waiver, to conform to changes made in this act; providing a finding of important state interest; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 1755**—A bill to be entitled An act relating to qualifying for judicial office; amending s. 105.031, F.S.; providing an earlier qualifying period for candidates for judicial office; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 1757**—A bill to be entitled An act relating to absentee ballots; amending s. 97.021, F.S.; redefining the term “absent elector”; amending s. 101.62, F.S.; modifying the information persons requesting absentee ballots must disclose; amending s. 101.657, F.S.; allowing any qualified and registered elector to vote an absentee ballot in person in the office of the supervisor of elections; amending s. 101.64, F.S.; modifying the voter’s certificate on absentee ballots; amending s. 101.65, F.S.; modifying the instructions to absent electors; amending s. 101.68, F.S.; modifying the information that must be included on an absentee ballot; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and the penalty therefor; deleting a prohibition against returning more than two absentee ballots in violation of law and the penalty therefor; repealing s. 101.647, F.S., relating to requirements for the return of absentee ballots; repealing s. 101.685, F.S., relating to authorization for absentee ballot coordinators; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Information Technology; Representatives Hart, Mack, Mealor, Fiorentino, Harrell, and Wishner—

**HB 1759**—A bill to be entitled An act relating to the offense of stalking; amending s. 784.048, F.S.; defining the term “cyberstalk” to mean communication by means of electronic mail or electronic communication which causes substantial emotional distress and does not serve a legitimate purpose; including within the offenses of stalking and aggravated stalking the willful, malicious, and repeated

cyberstalking of another person; providing penalties; revising the elements of the offense of aggravated stalking to include placing a person in fear of death or bodily injury of the person or the person’s child, sibling, spouse, or dependent; reenacting ss. 775.084(1)(d), 790.065(2)(c), 921.0022(3)(f) and (g), and 960.001(1)(b), F.S., to incorporate the amendment to s. 784.048, F.S., in references thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1761**—A bill to be entitled An act relating to classification and sale of eggs and poultry; amending s. 583.052, F.S.; providing that the Department of Agriculture and Consumer Services shall discontinue its participation in any agreement with the Federal Government regarding the grading of eggs and poultry by a specified date; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Information Technology; Representatives Hart, Mack, Mealor, Gelber, Fiorentino, and Harrell—

**HB 1763**—A bill to be entitled An act relating to the Department of Environmental Protection; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Fasano—

**HR 9015**—A resolution commending The James Madison Institute: A Foundation for Florida’s Future.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Andrews, Alexander, Allen, Argenziano, Arza, Attkisson, Atwater, Ausley, Baker, Ball, Barreiro, Baxley, Bean, Bendross-Mindingall, Bennett, Bense, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Carassas, Clarke, Crow, Cusack, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Feeney, Fields, Fiorentino, Flanagan, Frankel, Gannon, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrell, Harrington, Hart, Henriquez, Heyman, Hogan, Holloway, Jennings, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Lacasa, Lee, Lerner, Littlefield, Lynn, Machek, Mack, Mahon, Mayfield, Maygarden, McGriff, Meadows, Mealor, Melvin, Miller, Murman, Needelman, Negron, Peterman, Pickens, Prieguez, Rich, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Slosberg, Smith, Sobel, Sorensen, Spratt, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, and Wishner—

**HR 9017**—Adopted earlier today

#### First Reading of Council and Committee Substitutes by Publication

By the Committee on Insurance; Representative Crow—

**CS/HB 309**—A bill to be entitled An act relating to surplus lines insurance; amending s. 626.918, F.S.; revising certain eligibility requirements; amending s. 626.921, F.S.; deleting certain reporting requirements; amending ss. 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, and 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department

of Insurance; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing an effective date.

By the Committee on Health Regulation; Representative Baxley—

**CS/HB 331**—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; providing an effective date.

By the Committee on State Administration; Representatives Kallinger, Bense, and Melvin—

**CS/HB 615**—A bill to be entitled An act relating to payment or performance bonds; amending s. 255.05, F.S.; prohibiting requiring specific insurance or surety companies, agents, or brokers for payment or performance bonds for certain projects; providing an effective date.

By the Committee on State Administration; Representatives Waters, Flanagan, and Brummer—

**CS/HB 681**—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance and Commissioner of Financial Services; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner's office; transferring certain powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing effective dates.

By the Committee on Agriculture & Consumer Affairs; Representatives Stansel, Spratt, Alexander, Kendrick, Gibson, Bowen, and Kottkamp—

**CS/HB 719**—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

**Reports of Councils and Standing Committees**

**Committee Reports**

**Received March 22:**

The Committee on Local Government & Veterans Affairs recommends the following pass:

- HB 831
- HB 839
- HB 845
- HB 847, with 1 amendment
- HB 853, with 2 amendments
- HB 859

**The above bills were placed on the Calendar.**

The Committee on Judicial Oversight recommends the following pass:

- HB 25, with 2 amendments
- HB 85, with 1 amendment

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

- HB 593

**The above bill was referred to the Council for Healthy Communities.**

The Committee on State Administration recommends the following pass:

- CS/HB 437

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Child & Family Security recommends the following pass:

- CS/HB 167, with 1 amendment

**The above bill was referred to the Council for Smarter Government.**

The Committee on Judicial Oversight recommends the following pass:

- HB 415
- HB 791

**The above bills were referred to the Council for Smarter Government.**

The Committee on Health Regulation recommends the following pass:

- HB 553

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

- HB 1039
- HB 1041, with 2 amendments
- HB 1063, with 1 amendment

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on State Administration recommends the following pass:

- HB 149, with 2 amendments
- HB 377

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Child & Family Security recommends the following pass:

HB 1013, with 1 amendment

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Elder & Long-Term Care recommends the following pass:

HB 421, with 1 amendment

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Health Promotion recommends the following pass:  
HB 981, with 1 amendment

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Health Regulation recommends a committee substitute for the following:

HB 331

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 331 was laid on the table.**

The Committee on Insurance recommends a committee substitute for the following:

HB 309

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 309 was laid on the table.**

The Committee on State Administration recommends a committee substitute for the following:

HB 681

**The above committee substitute was referred to the Committee on General Government Appropriations, subject to review under Rule 6.3, and, under the rule, HB 681 was laid on the table.**

The Committee on Judicial Oversight recommends the following pass:  
HB 697, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on General Education recommends the following pass:  
HB 725, with 3 amendments

**The above bill was referred to the Committee on Health Regulation.**

The Committee on Judicial Oversight recommends the following pass:  
HB 1031

**The above bill was referred to the Committee on Health Regulation.**

The Committee on Judicial Oversight recommends the following pass:  
HB 767, with 1 amendment

**The above bill was referred to the Committee on Insurance.**

The Committee on Rules, Ethics & Elections recommends the following pass:

HJR 49

HB 51, with 1 amendment

**The above bills were referred to the Committee on Judicial Oversight.**

The Committee on General Education recommends the following pass:  
HB 267, with 1 amendment

**The above bill was referred to the Committee on Juvenile Justice.**

The Committee on Judicial Oversight recommends the following pass:  
HB 759, with 1 amendment

**The above bill was referred to the Committee on Juvenile Justice.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 857, with 1 amendment

**The above bill was referred to the Committee on Natural Resources & Environmental Protection.**

The Committee on Judicial Oversight recommends the following pass:  
HB 475, with 5 amendments

HB 477

**The above bills were referred to the Committee on State Administration.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 629

**The above bill was referred to the Committee on State Administration.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 869, with 1 amendment

**The above bill was referred to the Committee on Transportation.**

The Committee on State Administration recommends the following pass:

HB 635

**The above bill was referred to the Committee on Transportation.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 763

**The above bill was referred to the Committee on Utilities & Telecommunications.**

The Committee on State Administration recommends a committee substitute for the following:

HB 615

**The above committee substitute was referred to the Committee on Crime Prevention, Corrections & Safety, subject to review under Rule 6.3, and, under the rule, HB 615 was laid on the table.**

The Committee on Agriculture & Consumer Affairs recommends a committee substitute for the following:

HB 719

**The above committee substitute was referred to the Committee on Judicial Oversight, subject to review under Rule 6.3, and, under the rule, HB 719 was laid on the table.**

**Excused**

Rep. Harrington after 6:52 p.m.; Rep. Lee until 2:08 p.m.; Rep. Negron until 2:40 p.m.; Rep. Prieguez after 6:54 p.m.; Rep. Ross after 7:01 p.m.; Rep. Wilson.

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 7:25 p.m., to reconvene at 10:00 a.m., Friday, March 30.