



The Journal OF THE House of Representatives

Number 11

Wednesday, April 4, 2001

The House was called to order by the Speaker at 1:00 p.m.

Prayer

The following prayer was offered by the Reverend Ralph Wrightstone of Carrabelle United Methodist Church of Carrabelle, upon invitation of Rep. Kendrick:

Almighty God, we come to You this day seeking Your wisdom and Your grace for our brothers and sisters who have gathered today in this House of the Florida State Representatives. These are Your people who are Your servants and are called representing the people of Florida, who elected them for the work of government in this great state of Florida.

And Father, we also gather from all faith backgrounds, both men and women from different cultures, but with commonality, seeking wisdom and grace as we seek to work together for the good of the people that they represent for the purpose of making laws, budgets, and other administrative duties that they have been elected and given authority to do for the good of the people.

O God, we pray for harmony in all debates and discussions. Even when we disagree on issues, Father, we pray for an attitude of knowing that all things do work together for good for those who trust You. And Lord, let us reflect on the statement that our forefathers put on the state seal of this great state, "In God We Trust."

O God, grant us the courage to put our trust into You today. And we pray for wisdom and discernment for the people who have gathered here today that even when they disagree, they can do so with an attitude to agree to disagree while respecting each other's rights to have thoughts, ideas and opinions.

I pray in the spirit of the living God, a prayer of agreement with my brothers and sisters today that Your will be done in this session today and for the days to come. As it is proclaimed in Your word, then if My people who are called by My name will humble themselves and pray and seek My face and turn from their wicked ways, I, the Lord, will hear from heaven and will listen to every prayer made in this place. For I, being God, have chosen this place and set it apart for the purpose it is being used for. My eyes and My heart will always be here.

Father, we thank You for hearing our prayer today and pray that You will open our ears that we may hear You today in this place as we proceed with the business of the people of Florida.

O Lord, hear our prayers. And I, as a Christian minister, lift this prayer up in the name of Jesus Christ, my Lord and Savior. Amen.

The following Members were recorded present:

Session Vote Sequence: 111

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

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

A quorum was present.

Pledge

The Members, led by Daniel Garcia of Lutz, Erica N. Peterson of Palmetto, Susan Raddatz of Key Biscayne, Ryan Ruditz of Tallahassee, Angelika C. Siplin of Miami, Hannah Kay Vann of Mayo, and Scott D. Whitfield of Colquitt, Georgia, pledged allegiance to the Flag. Daniel Garcia served at the invitation of Rep. Romeo. Erica N. Peterson served at the invitation of Rep. Peterman. Susan Raddatz served at the invitation of Rep. Barreiro. Ryan Ruditz served at the invitation of Rep. Murman. Angelika C. Siplin served at the invitation of her father, Rep. Siplin. Hannah Kay Vann served at the invitation of Rep. Stansel. Scott D. Whitfield served at the invitation of Rep. Baxley.

House Physician

The Speaker introduced Dr. Robert G. Blackburn of Spring Hill, who served in the Clinic today upon invitation of Rep. Russell.

Correction of the Journal

The *Journal* of April 3 was corrected and approved as corrected.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate requests the return of CS for SB 238.

Faye W. Blanton, Secretary

CS for SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting imposition of the sentence of death if the court determines that the defendant has mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant has mental retardation; providing that the sentence of death may not be imposed unless the court finds by clear and convincing evidence that the defendant has mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury’s recommendation for life imprisonment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

On motion by Rep. Goodlette, the House acceded to the request of the Senate and returned **CS for SB 238**.

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney
Speaker, House of Representatives*

April 2, 2001

Mr. Speaker:

Your Procedural & Redistricting Council herewith submits as Special Orders for Wednesday, April 4, 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 695—Sentencing/Criminal Street Gangs
 - HB 1003—Nursing Homes/Vaccinations
 - HB 353—Mortgage Guaranty Insurance
 - CS/HB 203—Child Pornography
 - CS/HB 1—Schools/Construction Projects
 - HJR 951—Excessive Punishment
 - HB 1705—Death Sentence/Age Requirement
 - HB 45—Alcoholic Beverage Surcharges
 - CS/CS/HB 107—Unclaimed Property
 - HB 449—Civil Actions/Firearms & Ammunition
 - HB 145—Enterprise Zone/Sarasota County
 - CS/HB 497—Homicide of an Unborn Child
 - HB 69—Drugs/Generic & Brand-Name
 - HB 953—Burglary
 - HB 1747—Controlled Substances/Hydrocodone
 - HB 469—Enrique Valledor Way
 - CS/HJR 471—County Home Rule Charter

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. Goodlette, the rules were waived and **HR 9023, HR 9043, HR 9047, HR 9049, and HR 9051** were added to the Special Order Calendar.

On motion by Rep. Goodlette, the above report was adopted, as amended.

Bills and Joint Resolutions on Third Reading

On motion by Rep. Sorensen, consideration of **CS/HB 77** was temporarily postponed under Rule 11.10.

HB 1743—A bill to be entitled An act relating to the elimination of the Juvenile Justice Advisory Board; repealing s. 985.401, F.S., which created the Juvenile Justice Advisory Board; amending ss. 20.316, 216.136, 985.227, 985.315, 985.317, and 985.404, F.S., to remove references to the Juvenile Justice Advisory Board; providing an effective date.

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

Session Vote Sequence: 112

Yeas—110

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

Nays—None

Votes after roll call:

Yeas—Gottlieb, Sobel, Spratt, Waters, Wilson

So the bill passed and was certified to the Senate.

REPRESENTATIVE BALL IN THE CHAIR

HB 1737—A bill to be entitled An act relating to growth management; amending s. 163.3184, F.S.; clarifying language; providing for compilation and transmittal by a local government of a list of persons who will receive an informational statement concerning the state land planning agency’s notice of intent to find a comprehensive plan or plan amendment in compliance or not in compliance; providing for rules; revising requirements relating to publication by the agency of its notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; correcting a reference; providing an effective date.

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

Session Vote Sequence: 113

Yeas—114

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

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

Gibson	Justice	McGriff	Russell
Goodlette	Kallinger	Meadows	Ryan
Gottlieb	Kendrick	Mealor	Seiler
Green	Kilmer	Melvin	Simmons
Greenstein	Kosmas	Miller	Siplin
Haridopolos	Kottkamp	Murman	Slosberg
Harper	Kravitz	Needelman	Smith
Harrell	Kyle	Negron	Sobel
Harrington	Lacasa	Paul	Sorensen
Hart	Lee	Peterman	Spratt
Henriquez	Lerner	Pickens	Stansel
Heyman	Littlefield	Prieguez	Trovillion
Hogan	Lynn	Rich	Wallace
Holloway	Machek	Richardson	Waters
Jennings	Mack	Ritter	Weissman
Johnson	Mahon	Romeo	Wiles
Jordan	Mayfield	Ross	Wishner
Joyner	Maygarden	Rubio	

Nays—None

Votes after roll call:

Yeas—Gottlieb, Waters, Wilson

So the bill passed and was certified to the Senate.

HB 1735—A bill to be entitled An act relating to economic development; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; providing an application deadline; revising provisions relating to the order authorizing a tax refund; specifying that nothing in said section creates a presumption that a claim will be approved and paid; providing applicability to tax refund agreements and claims for refund executed prior to the effective date of the act; revising the agencies with which the office may verify information and to which the office may provide information; amending s. 288.980, F.S.; providing that grants by the office to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; providing an effective date.

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

Session Vote Sequence: 114

Yeas—119

The Chair	Bean	Bucher	Dockery
Alexander	Bendross-Mindingall	Bullard	Farkas
Allen	Bennett	Byrd	Fasano
Andrews	Bense	Cantens	Feeney
Argenziano	Benson	Carassas	Fields
Arza	Berfield	Clarke	Fiorentino
Attkisson	Betancourt	Crow	Flanagan
Atwater	Bilirakis	Cusack	Frankel
Ausley	Bowen	Davis	Gannon
Baker	Brown	Detert	Garcia
Barreiro	Brummer	Diaz de la Portilla	Gardiner
Baxley	Brutus	Diaz-Balart	Gelber

Nays—None

Votes after roll call:

Yeas—Wilson

So the bill passed and was certified to the Senate.

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 officers, compensation of board members, the executive director, and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; 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.

—was read the third time by title.

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

Representative(s) Jennings offered the following:

(Amendment Bar Code: 073775)

Amendment 6—On page 5, line 2, after "appoint"

insert:

two

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

The question recurred on the passage of HB 1749. The vote was:

Session Vote Sequence: 115

Yeas—118

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

Nays—1

Alexander

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

HB 1745—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.021, F.S.; revising definitions; amending s. 367.022, F.S.; revising an exemption from regulation for small water and wastewater utilities; amending ss. 367.045 and 367.111, F.S.; deleting requirement for descriptions of service areas in water and wastewater utility certificates of authorization; deleting requirements relating to application for amended certificates of authorization to reduce or extend a utility's existing service area; amending s. 367.121, F.S.; providing authority of the Public Service Commission to resolve territorial disputes involving water and wastewater utilities; providing considerations; amending s. 367.171, F.S.; authorizing counties to set rates and charges for certain exempt small water and wastewater utilities; providing applicability of specified administrative procedures; amending s. 288.0655, F.S.; correcting a cross reference; providing an effective date.

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

Session Vote Sequence: 116

Yeas—113

The Chair	Baxley	Brown	Davis
Alexander	Bean	Brummer	Detert
Allen	Bendross-Mindingall	Brutus	Diaz-Balart
Andrews	Bennett	Bucher	Dockery
Arza	Bense	Bullard	Farkas
Attkisson	Benson	Byrd	Fasano
Atwater	Berfield	Cantens	Feeny
Ausley	Betancourt	Carassas	Fields
Baker	Bilirakis	Crow	Flanagan
Barreiro	Bowen	Cusack	Frankel

Gannon	Jordan	Maygarden	Russell
Garcia	Joyner	McGriff	Ryan
Gardiner	Justice	Meadows	Seiler
Gelber	Kallinger	Mealor	Simmons
Gibson	Kendrick	Melvin	Siplin
Goodlette	Kilmer	Miller	Slosberg
Gottlieb	Kosmas	Murman	Smith
Green	Kottkamp	Needelman	Sorensen
Greenstein	Kravitz	Negron	Spratt
Haridopolos	Kyle	Paul	Stansel
Harper	Lacasa	Peterman	Wallace
Harrell	Lee	Pickens	Waters
Harrington	Lerner	Prieguez	Weissman
Hart	Littlefield	Rich	Wiles
Heyman	Lynn	Richardson	Wilson
Hogan	Machek	Ritter	Wishner
Holloway	Mack	Romeo	
Jennings	Mahon	Ross	
Johnson	Mayfield	Rubio	

Nays—4

Argenziano	Clarke	Fiorentino	Sobel
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Votes after roll call:

Nays to Yeas—Clarke

So the bill passed and was certified to the Senate.

HB 1731—A bill to be entitled An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

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

Session Vote Sequence: 117

Yeas—118

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

Richardson	Ryan	Sobel	Weissman
Ritter	Seiler	Sorensen	Wiles
Romeo	Simmons	Spratt	Wilson
Ross	Siplin	Stansel	Wishner
Rubio	Slosberg	Wallace	
Russell	Smith	Waters	

Nays—None

So the bill passed and was certified to the Senate.

HB 1733—A bill to be entitled An act relating to the Department of Transportation; amending s. 341.302, F.S.; deleting provisions relating to the department’s responsibility for the handling of hazardous materials under the statewide rail program; providing an effective date.

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

Session Vote Sequence: 118

Yeas—80

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

Nays—34

Ausley	Gannon	Joyner	Richardson
Bendross-Mindingall	Gelber	Justice	Romeo
Betancourt	Gottlieb	Kosmas	Ryan
Brutus	Greenstein	Lee	Siplin
Bucher	Harper	Lerner	Smith
Bullard	Henriquez	McGriff	Wiles
Cusack	Heyman	Meadows	Wilson
Fields	Holloway	Peterman	
Frankel	Jennings	Rich	

Votes after roll call:

Yeas—Barreiro
Nays—Weissman
Yeas to Nays—Sobel

So the bill passed and was certified to the Senate.

HB 1707—A bill to be entitled An act relating to energy management; amending s. 255.257, F.S.; removing provisions which direct the Department of Management Services to provide for an energy management plan for state agencies, and which require state agencies to submit certain energy data to the department; providing that the department may develop such a plan; providing an effective date.

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

Session Vote Sequence: 119

Yeas—118

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

Nays—None

So the bill passed and was certified to the Senate.

HB 1717—A bill to be entitled An act relating to the Division of Dairy Industry of the Department of Agriculture and Consumer Services; eliminating the Division of Dairy Industry; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry; amending ss. 20.14, 570.18, and 570.29, F.S., to conform; amending s. 570.50, F.S.; including the powers and duties of the Division of Dairy Industry within the powers and duties assigned to the Division of Food Safety of the Department of Agriculture and Consumer Services; amending s. 570.51, F.S., renaming the Division of Food Safety to the Division of Dairy and Food Safety; providing an effective date.

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

Session Vote Sequence: 120

Yeas—114

The Chair	Benson	Cusack	Gelber
Alexander	Berfield	Davis	Gibson
Allen	Betancourt	Detert	Goodlette
Andrews	Bilirakis	Diaz de la Portilla	Gottlieb
Argenziano	Bowen	Diaz-Balart	Green
Arza	Brown	Dockery	Greenstein
Attkisson	Brummer	Farkas	Haridopolos
Atwater	Brutus	Fasano	Harper
Baker	Bucher	Feeney	Harrell
Barreiro	Bullard	Fields	Harrington
Baxley	Byrd	Fiorentino	Hart
Bean	Cantens	Flanagan	Henriquez
Bendross-Mindingall	Carassas	Gannon	Heyman
Bennett	Clarke	Garcia	Hogan
Bense	Crow	Gardiner	Holloway

Jennings	Lynn	Paul	Siplin
Johnson	Machek	Peterman	Slosberg
Jordan	Mack	Pickens	Smith
Joyner	Mahon	Prieguez	Sobel
Justice	Mayfield	Rich	Sorensen
Kallinger	Maygarden	Richardson	Spratt
Kilmer	McGriff	Ritter	Wallace
Kottkamp	Meadows	Romeo	Waters
Kravitz	Mealor	Ross	Weissman
Kyle	Melvin	Rubio	Wiles
Lacasa	Miller	Russell	Wilson
Lee	Murman	Ryan	Wishner
Lerner	Needelman	Seiler	
Littlefield	Negron	Simmons	

Nays—2

Kendrick	Stansel
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Votes after roll call:

Yeas—Frankel, Kosmas
Yeas to Nays—Attkisson

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

HB 1825—A bill to be entitled An act relating to Class C travel; amending s. 112.061, F.S.; eliminating allowances for meals for Class C travel; providing an effective date.

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

Session Vote Sequence: 121

Yeas—118

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

Nays—1

Allen

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

HB 1821—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses;

amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

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

Session Vote Sequence: 122

Yeas—118

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

Nays—None

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

Waiver of the Rules for Committee and Council Meetings and Bills

On motion by Rep. Murman, Vice Chair, the rules were waived and the Fiscal Responsibility Council was given permission to add CS/HB 503 to the agenda for its meeting Thursday, April 5, at 10:15 a.m., in 212K.

Motions Relating to Committee or Council References

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 427 was withdrawn from the Committee on Education Innovation and remains referred to the Council for Smarter Government.

THE SPEAKER IN THE CHAIR

Special Orders

Special Order Calendar

HB 695—A bill to be entitled An act relating to sentencing; amending s. 874.04, F.S.; providing for enhanced penalties for the commission of

a felony or misdemeanor, or a delinquent act or violation of law that would be a felony or misdemeanor if committed by an adult, under specified circumstances when the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interest of a criminal street gang; amending s. 921.0024, F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets; revising guidelines for applying a specified sentence multiplier for offenses committed for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

HB 1003—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and polysaccharide pneumococcal vaccinations; providing an effective date.

—was read the second time by title.

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

(Amendment Bar Code: 353929)

Amendment 1—On page 1, line 21 of the bill after “any”

insert: *consenting*

Rep. Paul moved the adoption of the amendment, which was adopted.

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

(Amendment Bar Code: 262423)

Amendment 2—On page 2, line 8 of the bill after “5”

insert: *working*

Rep. Paul moved the adoption of the amendment, which was adopted.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 884667)

Amendment 3 (with title amendment)—On page 1, line 31, and page 2, lines 15 and 19, of the bill

after the periods insert: *The agency may adopt and enforce any rules necessary to comply with or implement this subsection.*

And the title is amended as follows:

On page 1, line 5,

after the semicolon insert: *providing rulemaking authority;*

Rep. Paul moved the adoption of the amendment, which was adopted.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 832177)

Amendment 4 (with title amendment)—On page 2, line 2, remove from the bill: *polysaccharide pneumococcal*

and insert in lieu thereof: *pneumococcal polysaccharide*

And the title is amended as follows:

On page 1, line 5,

remove from the title of the bill: *polysaccharide pneumococcal*

and insert in lieu thereof: *pneumococcal polysaccharide*

Rep. Paul moved the adoption of the amendment, which was adopted.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 634021)

Amendment 5—On page 1, line 17, and page 2, lines 17-18 remove from the bill: *influenzae virus*

and insert in lieu thereof: *influenza viruses*

Rep. Paul moved the adoption of the amendment, which was adopted.

Representative(s) Paul offered the following:

(Amendment Bar Code: 032025)

Amendment 6—On page 2, line 8, before the period,

insert: *and, when indicated, vaccinated within 60 days in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contradictions and religious or personal beliefs*

Rep. Paul moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 353 was taken up. On motion by Rep. Kallinger, SB 218 was substituted for HB 353. Under Rule 5.15, the House bill was laid on the table and—

SB 218—A bill to be entitled An act relating to mortgage guaranty insurance; amending ss. 624.408, 635.042, F.S.; revising minimum surplus requirements for mortgage guaranty insurers; revising limits on total liability and exposure to losses for such insurers; requiring mortgage guaranty insurers to include certain information in audited financial reports required pursuant to s. 624.424(8); authorizing the Department of Insurance to take certain actions against a mortgage guaranty insurer that is not in compliance; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

On motion by Rep. Ryan, consideration of **CS/HB 203** was temporarily postponed under Rule 11.10.

CS/HB 1—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing for future repeal of such eligibility provision; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

HJR 951—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—was read the second time by title.

On motion by Rep. Bilirakis, further consideration of **HJR 951** was temporarily postponed under Rule 11.10.

Motion

On motion by Rep. Bense, the privilege of the floor was granted to Chris Weinke.

HJR 951—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—was taken up, having been read the second time earlier today.

Representative(s) Ryan and Heyman offered the following:

(Amendment Bar Code: 322479)

Amendment 1—On page 1, line 23 and on page 3, line 29, of the bill after the period, insert:

Notwithstanding any other provision of this section, no person who is convicted of a capital offense shall be sentenced to death if the offense was committed while the person was under 18 years of age.

Rep. Ryan moved the adoption of the amendment.

On motion by Rep. Kyle, the amendment was laid on the table. The vote was:

Session Vote Sequence: 123

Yeas—69

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

Nays—45

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

Votes after roll call:

Yeas—Bennett
Nays to Yeas—Hogan

Representative(s) Ryan and Heyman offered the following:

(Amendment Bar Code: 634897)

Amendment 2—On page 1, line 23, and on page 3, line 29, after the period,

insert:

Notwithstanding any other provision of this section, no person who is convicted of a capital offense shall be sentenced to death if the person suffers from mental retardation. The legislature shall have the power to enforce this exception by appropriate legislation.

Rep. Ryan moved the adoption of the amendment.

On motion by Rep. Green, the amendment was laid on the table. The vote was:

Session Vote Sequence: 124

Yeas—72

The Chair	Atwater	Bense	Byrd
Alexander	Baker	Benson	Cantens
Allen	Ball	Berfield	Carassas
Andrews	Barreiro	Bilirakis	Clarke
Argenziano	Baxley	Bowen	Davis
Arza	Bean	Brown	Detert
Attkisson	Bennett	Brummer	Diaz de la Portilla

Diaz-Balart	Haridopolos	Lacasa	Needelman
Dockery	Harrell	Littlefield	Negron
Farkas	Harrington	Lynn	Paul
Fasano	Hart	Mack	Pickens
Florentino	Hogan	Mahon	Prieguez
Flanagan	Jordan	Mayfield	Ross
Garcia	Kallinger	Maygarden	Rubio
Gardiner	Kilmer	Mealor	Sorensen
Gibson	Kottkamp	Melvin	Spratt
Goodlette	Kravitz	Miller	Wallace
Green	Kyle	Murman	Waters

Nays—44

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

Votes after roll call:

Yeas—Russell

Recognition Ceremony for Chris Weinke

On motion by Rep. Bense, the rules were waived and the regular order of business was suspended for a recognition ceremony. Speaker Feeney and Rep. Bense gave brief remarks in presenting Chris Weinke, who was recognized to address the Members from the well.

By Representative Bense—

HR 9047—A resolution honoring 2000 Heisman Trophy winner Chris Weinke.

WHEREAS, Chris Weinke is the first quarterback to start three seasons for the Florida State University Seminoles football team under Head Coach Bobby Bowden, and

WHEREAS, Chris Weinke was instrumental in leading the Seminoles to the NCAA National Championship game each of the three seasons he started, finishing his college football career as only the second quarterback in NCAA Division 1A history to throw for more than 9,500 yards, with a total of 9,839 yards and 79 touchdown passes, a career average of 8.89 yards per attempt, and a win/loss record of 32 and 2, and

WHEREAS, in 1999, Chris Weinke led the Seminoles to their second national title and Coach Bobby Bowden's first and only perfect 12-0 season, and over the course of his career set 26 school records, as well as the Atlantic Coast Conference record for career passing yards, and he owns the first, second, and fourth best passing games in FSU history, and

WHEREAS, for the 2000 season, Chris Weinke was named the ACC Player of the Year, the ACC Offensive Player of the Year, All-ACC First Team, and All-ACC Academic Team, and was the recipient of several awards, including the ESPY for College Player of the Year, the Davey O'Brien Award, and the Johnny Unitas Golden Arm, which is awarded to the top senior quarterback in college football, and

WHEREAS, before capping his college football career with his second National Championship appearance in a row, Chris Weinke was awarded the 2000 Heisman Trophy, thus designating him as one of the best athletes in college football history, NOW, THEREFORE,

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

That the House of Representatives pauses in its deliberations to honor the accomplishments and the person of Florida State University

quarterback Chris Weinke, the winner of the 2000 Heisman Trophy and the best college football athlete of the 2000 season.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Chris Weinke as a tangible token of the sentiments expressed herein.

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

Recessed

The House stood in informal recess at 3:07 p.m., to reconvene upon the call of the Speaker.

Reconvened

The House was called to order by the Speaker at 3:16 p.m.

Continuation of Special Orders

Continuation of Special Order Calendar

HJR 951—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—was taken up, having been read the second time earlier today.

Under Rule 10.13(b), the joint resolution was referred to the Engrossing Clerk.

HB 1705—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 17 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

—was read the second time by title.

Representative(s) Heyman, Barreiro, Ryan, Smith, Prieguez, Gottlieb, Trovillion, Bucher, Wilson, Joyner, Detert, and Lerner offered the following:

(Amendment Bar Code: 565031)

Amendment 1 (with title amendment)—On page 1, lines 15, 19, 28, and 29, remove: 17

and insert: 18

And the title is amended as follows:

On page 1, line 4, remove from the title of the bill: 17

and insert in lieu thereof: 18

Rep. Heyman moved the adoption of the amendment, which was adopted.

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

Representative(s) Smith offered the following:

(Amendment Bar Code: 114891)

Amendment 2—On page 1, line 25 and on page 2, line 3, remove from the bill: *shall*

and insert in lieu thereof: *may*

Rep. Smith moved the adoption of the amendment, which failed of adoption.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 45—A bill to be entitled An act relating to the alcoholic beverage surcharge; amending s. 561.501, F.S.; providing that the surcharges on liquor, wine, cider, and beer sold for consumption on the premises shall

not be imposed beginning July 1, 2001; repealing s. 561.501, F.S.; removing provisions relating to imposition, administration, and enforcement of such surcharges, effective July 1, 2004; amending s. 561.025, F.S.; removing the prohibition against deposit of surcharge revenues in the Alcoholic Beverage and Tobacco Trust Fund; amending s. 561.121, F.S., and repealing subsection (4) thereof; removing provisions relating to transfer of a portion of surtax revenues to the Children and Adolescents Substance Abuse Trust Fund, and the remainder to the General Revenue Fund, and providing for deposit of a portion of the excise taxes on malt beverages, wines and other beverages, and liquors in said trust fund; providing effective dates.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/CS/HB 107—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, and 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner's representatives and receiving and making payments to an owner or owner's representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner's representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

—was read the second time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 172497)

Technical Amendment 1—On page 2, line 26, remove from the bill: *the the*

and insert in lieu thereof: *the*

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Bense, consideration of **HB 449** was temporarily postponed under Rule 11.10.

HB 145—A bill to be entitled An act relating to enterprise zones; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing an effective date.

—was read the second time by title.

Representative(s) Flanagan offered the following:

(Amendment Bar Code: 541303)

Amendment 1 (with title amendment)—On page 1, line 31, insert:

Section 2. Section 290.00555, Florida Statutes, is amended to read:

290.00555 Satellite enterprise zones.—~~Before December 31, 1999,~~ Any municipality an area of which has previously received designation as an Enterprise Zone in the population category described in s. 290.0065(3)(a)3. may create a satellite enterprise zone not exceeding 1.5 square miles in area outside of and, notwithstanding anything contained in s. 290.0055(4), or any other law, in addition to the previously designated enterprise zone boundaries. The Office of Tourism, Trade, and Economic Development shall amend the boundaries of the areas previously designated by any such municipality as enterprise zones upon receipt of a resolution adopted by the municipality describing the satellite enterprise zone areas, as long as the additional areas are consistent with the categories, criteria, and limitations imposed by s. 290.0055. However, the requirements imposed by s. 290.0055(4)(d) do not apply to such satellite enterprise zone areas.

Section 3. *Satellite enterprise zones may be created pursuant to s. 290.00555, Florida Statutes, effective retroactively to December 31, 1999. Resolutions adopted to create satellite enterprise zones under this section must be submitted to the Office of Tourism, Trade, and Economic Development no later than August 1, 2001. The Office of Tourism, Trade, and Economic Development must amend the boundaries of previously designated enterprise zones to create eligible satellite enterprise zones no later than September 1, 2001. Notwithstanding the time limitations contained in chapter 212, Florida Statutes, a business in a satellite enterprise zone designated under this section which was eligible to receive tax incentives pursuant to ss. 212.08(5)(g) and (h) and 212.096, Florida Statutes, during the period beginning December 31, 1999, and ending on the date of the creation of the satellite enterprise zone must submit an application for the tax incentives by December 1, 2001. All other requirements of the enterprise zone program apply to such a business.*

And the title is amended as follows:

On page 1, line 7, after the semicolon,

insert: amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives;

Rep. Flanagan moved the adoption of the amendment, which was adopted.

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

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 441107)

Amendment 2 (with title amendment)—On page 1, line 10, insert:

Section 1. *Notwithstanding any provision of law to the contrary, the governing body of an inland county with a state-designated enterprise zone and a population greater than 500,000 may apply to the Office of*

Tourism, Trade, and Economic Development to amend the boundaries of one noncontiguous area of an enterprise zone. The office shall approve the application so long as the amended area does not exceed 4 square miles and is consistent with the categories, criteria, and limitations imposed by s. 290.0055, Florida Statutes, upon the establishment of such enterprise zone. The enterprise zone boundary amendment application must be received before December 31, 2001.

And the title is amended as follows:

On page 1, line 2,

after the semicolon insert: authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of an enterprise zone upon application by certain counties; providing requirements with respect thereto;

Rep. Gardiner moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Andrews, consideration of **CS/HB 497** was temporarily postponed under Rule 11.10.

HB 69—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing "medically necessary" on the prescription; providing an effective date.

—was read the second time by title.

The Committee on Health Regulation offered the following:

(Amendment Bar Code: 495931)

Amendment 1—On page 1, lines 16 & 17, remove from the bill: *all drugs that have*

and insert in lieu thereof:

those drugs where every product marketed has

Rep. Argenziano moved the adoption of the amendment, which was adopted.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 962427)

Amendment 2—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *The Board of Pharmacy and the Board of Medicine shall remove any generic named drug product from the formulary established by s. 465.025(6), Florida Statutes, if every commercially marketed equivalent of that drug product is "A" rated as therapeutically equivalent to a reference listed drug or is a reference listed drug as referred to in "Approved Drug Products with Therapeutic Equivalence Evaluations" (Orange Book) published by the United States Food and Drug Administration.*

Section 2. *Nothing in this act shall alter or amend s. 465.025, Florida Statutes, as to existing law providing for the authority of physicians to prohibit generic drug substitution by writing "medically necessary" on the prescription.*

Section 3. This bill shall take effect upon becoming a law.

Rep. Argenziano moved the adoption of the amendment.

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

Representative(s) Diaz-Balart and Greenstein offered the following:

(Amendment Bar Code: 515703)

Amendment 1 to Amendment 2 (with title amendment)—On page 1, between lines 30 and 31, of the amendment

insert:

Section 3. *Notwithstanding any provision of s. 465.025, Florida Statutes, for any prescription and refill thereunder of a generically equivalent or "A"-rated drug that is on the negative formulary created under that statute as of January 1, 2001, a pharmacist must dispense the drug on the prescription unless prior documented approval to substitute is obtained from the prescriber of the medication.*

And the title is amended as follows:

On page 1, line 9, of the amendment

after the semicolon insert: specifying conditions under which a pharmacist must dispense a prescribed drug that is on the negative formulary as of January 1, 2001;

Rep. Diaz-Balart moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 125

Yeas—39

Arza	Bucher	Holloway	McGriff
Ausley	Cantens	Johnson	Melvin
Barreiro	Cusack	Joyner	Negron
Bendross-Mindingall	Diaz-Balart	Justice	Prieguez
Bennett	Gelber	Kyle	Richardson
Benson	Greenstein	Lacasa	Ross
Betancourt	Harrell	Lee	Simmons
Brown	Henriquez	Lerner	Sobel
Brummer	Heyman	Lynn	Waters
Brutus	Hogan	Machek	

Nays—77

The Chair	Diaz de la Portilla	Kallinger	Ritter
Alexander	Dockery	Kendrick	Romeo
Argenziano	Farkas	Kilmer	Rubio
Attkisson	Fasano	Kosmas	Russell
Atwater	Fields	Kottkamp	Ryan
Baker	Fiorentino	Kravitz	Seiler
Ball	Flanagan	Littlefield	Siplin
Baxley	Frankel	Mack	Slosberg
Bean	Gannon	Mahon	Smith
Bense	Garcia	Mayfield	Sorensen
Berfield	Gardiner	Maygarden	Spratt
Bilirakis	Gibson	Meadows	Stansel
Bowen	Goodlette	Mealor	Wallace
Bullard	Gottlieb	Miller	Weissman
Byrd	Green	Murman	Wiles
Carassas	Haridopolos	Needelman	Wilson
Clarke	Harper	Paul	Wishner
Crow	Hart	Peterman	
Davis	Jennings	Pickens	
Detert	Jordan	Rich	

Votes after roll call:

Nays—Harrington

Yeas to Nays—Heyman

The question recurred on the adoption of **Amendment 2**, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

Motion

On motion by Rep. Paul, the rules were waived and the following colloquy made earlier today on the floor regarding the court injunction yesterday was ordered spread upon the *Journal*.

Rep. Goodlette: Members, if I could have your attention for just a few comments. Each of you received an e-mail this morning from Tom Tedcastle, our General Counsel, pertaining to an extremely important matter that I think all the Members should be aware of. I'd like for those of you who may not have read your e-mail, I'd just like to lift out from Mr. Tedcastle's memorandum a few pertinent remarks.

Mr. Tedcastle reported to us the following: As you may have heard, Judge Ralph Smith has issued a temporary restraining order to the Florida Legislature which asserts that the Legislature may not meet if the meeting will involve the consideration or resolution of collective bargaining disputes.

Of course, much of the legislation that is considered in the Legislature has an impact on such disputes. Nonetheless, in recognition of the constitutional obligation of the Legislature—that I would like to refer to a little bit more fully in a couple of moments—to meet and to represent the interests of the people without interference from either of the other two branches, Speaker Feeney will convene the Legislature in session today, as scheduled, and therefore as needed to consider legislation.

Members, I think that it's important for you to be aware, and I would like to simply refer to provisions of the Florida Constitution that I think are germane to this subject.

Article III of the Florida Constitution, as you are aware, pertains to the powers and duties and responsibilities, indeed, of the Florida Legislature. Section 4 discusses pertinent information pertaining to quorums and the procedures of the House. Section 4(a), in part reads that "Each house shall determine its rules of procedure." Section 4(e) of Article III goes on, in part, as follows: "The rules of procedure of each house shall provide that all legislative committee and subcommittee meetings of each house, and joint conference committee meetings, shall be open and noticed to the public." It goes on, "Each house shall be the sole judge for the interpretation, implementation, and enforcement of this section."

Members, I think that it's important for you—and I want to just extract from an order of the court that was issued yesterday a few relevant provisions. Because I think that we're all aware of how volatile some of these separation of powers issues have been, both in our special session and so far in this session. But, I think that it's important because I want to underscore what I believe to have been shown in the issuance of this order a particular insensitivity by this particular court for the separation of powers that we hold so vitally to be important in the State of Florida. This order was entered yesterday and the style of the case is the Florida Public Employees Council 79 AFSCME as the plaintiff, and it obviously refers to some of the activity that has taken place in this Chamber with respect to the Career Service last week and some activity that's ongoing in the Senate this week, Members.

The defendant in this lawsuit is you and me and each one of us because the defendant is the Florida Legislature. And the order that was entered here, Members, is an important order. It is an order granting a temporary restraining order. Ladies and gentlemen, and those of you, in particular, who are not lawyers and perhaps some of you who are trial lawyers, which I am not, will embellish this point, but in any instance in which a court is called upon to issue a restraining order the level of proof, if you will, is quite high. It's a very—it's seldom done and it's not done unless there's information contained in the motion to establish that restraining order and in any affidavits that have a bearing on that request to be verified and to be supportable before a restraining order is entered. In this case, we believe, and I believe that others may comment later, that the factual basis for the issuance of that order, simply, frankly, Members, did not exist. There was no mention in the affidavits or the motion that the Governor had rejected the Special Master's recommendations. There was no opportunity, Members, for the defendants in that litigation, the state Legislature, the Legislature of this state, to respond or to be heard with respect to the matter that was before the court. There is no precedent, Members, in law, for the temporary restraining order being directed to another branch of government, this Legislature. The temporary restraining order, Members, was going to be used, we believe, to prevent the Senate from further considering some of what we had taken up last week.

I won't go into any more detail on that, except that, I think, that in reading this order and in the issuance of this order there is an evident erosion of—and a lack of respect for—the co-equal branches of government as contemplated by our forefathers in the *Declaration of Independence* and in establishment of the *Bill of Rights* and our *Constitution*.

I think that it's important to refer to a couple of provisions in the *Federalist Papers*. We've talked a lot about this in the past, Members, but it's very germane in this instance as well. James Madison, in *Federalist Paper No. 48*, speaking about the importance of the separation of powers, indicates in part: "After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each, against the invasion of the others." That's *Federalist Paper 48*. Madison goes on in *Federalist Paper 50* to assert as follows: "...I confine myself to their aptitude for ENFORCING the Constitution, by keeping the several departments of power within their due bounds. ..."

I think, ladies and gentlemen and Members, that the issuance of this order shows such a disregard for those important principles of our forefathers that it bears mentioning today. And just, if I might, Mr. Speaker and Members, on a personal note, I am someone who has—although I am a board-certified real estate lawyer not a trial lawyer, I have served on the Board of Governors of the Florida Bar and I realize that, perhaps, I'm not held in the highest esteem by Representative Brummer and perhaps Representative Melvin for my service on the Board of Governors of the Florida Bar, but I'm proud of that nonetheless—and I've always maintained a fierce passion for the independence of the judiciary and for the separation of powers. But, ladies and gentlemen, I simply must suggest to you that the issuance of this order goes too far, and I think something needs to be said about it, and I think that as we move forward, my hope is that we will respect the separation of powers, notwithstanding what some may assert—perhaps some of our friends in the press and elsewhere—but I would suggest to you that this act should not be ignored. It's very important. The separation of powers is a principle component of the very institution of government as referred to by Madison, by Thomas Jefferson, by Hamilton, and others in the adoption of the *Federalist Papers*, etc.

We have talked a lot about these matters, Members, during the special session and I simply would suggest to you that we should take this very seriously and I think the Speaker will have more to say about that perhaps as our session today ensues. Thank you, Mr. Speaker, I felt that it was important. [applause]

Speaker Feeney: Thank you, Representative Goodlette. Representative Frankel, we will take questions in a minute or two, but why don't you let me say a few words and then perhaps Representative Goodlette can attempt to defend us both.

Ladies and gentlemen, the court order potentially puts each and every one of you, it names every legislator, actually names all of our staffs, it names our legal consultants and others, and it attempts to prohibit us from undertaking certain duties that we consider to be our constitutional duties. So that it's important that you know as we convene here today at 1:00, and as we take certain votes the judiciary may consider some or all of you to be in defiance of the court order and may be subject to certain penalties. We don't think so because we do believe there is a separation of powers and thus we've told all of you that we are prepared to defend anybody who acts in accordance with the House Rules and procedures. I just, and the reason that I take the extraordinary step of saying a few words is that I've required each one of you to be here today. If you weren't here I would have the power, I doubt I would, but if you weren't here I would have the power to send the Sergeant out after you. So that you are put in a very difficult dilemma between doing your constitutional duty as a legislator and violating a court order, potentially. And I think that we had three Members last night that had to make that decision and I'm proud to say that they did their constitutional duty as they saw fit.

But when the first reports of the restraining order were provided to us and ultimately served on me, around 4:00 yesterday, and Chairman

Brummer, who is the Chairman of the Joint Select Committee affected, I had to answer to the press, you know, instantly on the subject of why it was we felt that we could not comply with the court order. The truth of the matter is, Representative Kyle, there is very little case law on this. American courts are not in the habit of trying to dissolve their legislatures or telling them they can't meet or telling them they can't say things or conduct business at a certain hour. Not a whole lot of case law on this Representative Goodlette would tell you. And so it was very difficult to explain exactly why it was that the Legislature could legislate notwithstanding the temporary restraining order. What I suggested to the press was that I thought it was a privilege that was at least 400 if not 500 years old of legislative governance, to act with immunity from court challenge of process during the regular course of business. Turns out that I didn't have all of the history of the common law at my disposal yesterday afternoon. Turns out we've done a little research. It was the year 1513, about 488 years ago, when the *Strode's Case* for the first time recognized the right of Parliament in Britain, formally the Commons, to conduct its business as part of the *High Court of Parliament*, and they were privileged against interference from other courts in the realm. Subsequently, for those of you that read a little bit of common law history, you will remember that James I in 1621 had a significant battle with an increasingly powerful Parliament. And in what was called the "Great Protestation" of the day, the Parliament asserted its right, essentially, to debate, any issue in Parliament at any time. And here's what Parliament issued as a proclamation: It was undoubtedly the "birthright of every Englishman" who is a member of Parliament to debate any subject without fear of arrest or punishment. And yet, that is precisely the fear that three Members of our House had to deal with, potentially, last night given the court order.

In 1642, Charles I had another significant battle with Parliament and these are precedents that are historic—and they are 400 and some years old—that have protected the rights of represented democracies in free countries to operate. They are important. John Pym, who was the ringleader of a group of issues that King Charles found very offensive. King Charles sent out his soldiers to arrest five Members of Parliament, including the ringleader, John Pym. They couldn't find the five members of the Parliament to arrest and punish. Who knows what the punishment may have been? But the King summoned the Speaker of the House, a fellow by the name of Lenthall, to go answer to the King as to why Parliament was behaving the way it was and to find out where these five members of Parliament were so they could be subject to arrest and punishment. And Lenthall in a very important pronouncement, Speaker of the Parliament at the time, said the following to the King of England: I have neither eyes to see, nor tongue to speak in this place, but as the House is the place to direct whose servant I am here and I humbly beg your Majesty's pardon that I cannot give any other answer than this to what your Majesty is pleased to demand of me. In other words, the Speaker of the House told the King that he didn't serve the King, he served the House of Representatives, and so, ladies and gentlemen, we are going to do the best we can with advice. We've got our lawyers now going back not just a hundred years for precedents but 500 years. We are going to do the best we can to operate the Legislature, notwithstanding submissions of the court from time to time. So with that, thank you, Representative Goodlette.

And Representative Frankel would like to weigh in on behalf of the legislative prerogatives, I'm sure. Representative Frankel, you are recognized.

Rep. Frankel: Thank you, Mr. Speaker. First of all I'd like to say to Mr. Goodlette I know where you have been hanging out these last few weeks. Let me just say this, Mr. Speaker. Thank goodness for lawyers, I tell you what would we do? Listen, truthfully, I'm just a country lawyer from Brooklyn, OK? [laughter] And I don't know if I ever read the *Federalist Papers* but you can lend them to me sometime. But I tell you I looked at this order, really, I don't know, truthfully I think it's just a poorly worded order. And I think that if the lawyers go back to the court and ask for clarification, I really don't believe that this court was in any way trying to tell us not to come into session. And what I think would be helpful, Mr. Goodlette, if you'd yield to a question. If you could explain to the Members how this came about. There is a Joint Select Committee on Impasse Issues and if you could just explain to the

Members what that is and why this lawsuit came about I think it would be clearer to all of us. Would that be alright, Mr. Speaker?

Speaker Feeney: Representative Goodlette could do that or perhaps Representative Cantens or Brummer, who are on the committee or Diaz-Balart. Representative Goodlette, what's your pleasure?

Rep. Goodlette: Mr. Speaker, perhaps it would be best to defer to the Chairman of the Joint Committee, Representative Brummer. If he would prefer to yield to me I will be happy to try to answer that but I would like to respect the Chairman's prerogative in that regard, Mr. Speaker.

Speaker Feeney: Fred Brummer, Esquire, to answer your question, Representative Frankel. [laughter]

Rep. Brummer: I would appreciate Representative Goodlette, if you would handle the question because I'm perhaps not in the best frame of mind to respond in a temperate manner.

Speaker Feeney: Representative Goodlette or Representative Diaz-Balart, Representative Goodlette what's your pleasure? Representative Cantens, why don't you—Representative Frankel said she wanted to know the posture we were in when the court issued its order yesterday with respect to the Committee. Representative Cantens.

Rep. Cantens: Thank you, Mr. Speaker. Representative Frankel, the statutes provide for collective bargaining between the executive branch and this is what we are dealing with, the executive branch and the unions. They had declared an impasse at one point; they had appointed a Special Master. The Special Master had conducted hearings. The Special Master issued the Special Master's recommendation. The statute reads that if within 20 days no one has objected then that Special Master's recommendations become effective. If, however, someone files an objection or files their own recommendation, then it's deemed to have been rejected. That's where we were at yesterday. We were within the 20-day period. The executive branch filed their objection. It was submitted to the Legislature for the Legislature to take it up at the Select Committee. And we had to do so within—actually the language of the statute reads forthwith.

Speaker Feeney: Representative Frankel, for a question.

Rep. Frankel: Thank you. Representative Cantens, I don't know whether you would be the one to answer, whoever wants to answer it, whoever is in the right frame of mind can answer this. Don't you think it would be reasonable to believe that the court order was probably just aimed specifically at this Joint Select Committee and that what the judge was trying to do was to stop that particular meeting and not the meeting of the legislative body?

Speaker Feeney: Representative Goodlette, I think you touched on that in your address, but you can elaborate.

Rep. Goodlette: Thank you, Mr. Speaker. And I welcome the opportunity, Mr. Speaker, to elaborate on that because I don't know who may have prepared this order, Representative Frankel, but the judge signed the order. And that's what's important. It's an order of the court and this is a very far-reaching order. It orders, Representative Frankel, that the defendants, that's us, ladies and gentlemen, their officers, agents, servants, employees, attorneys, and other persons in active concert or participation with them, are directed to cancel any meeting, hearing, or conference now scheduled for April 3, 2001, or to be scheduled later on any matter implicated in a bargaining dispute or bargaining impasse between the Governor of the State of Florida and the plaintiff, until the parties invoke the jurisdiction of the defendants in the manner subscribed by Section 447.403. That is a very broad order, Representative Frankel. As a lawyer, you recognize that. I think a lot of the non-lawyers who are Members here recognize that.

Speaker Feeney: Representative Frankel, could I just maybe ask a follow-up question to yours, with your permission?

Representative Goodlette, conceivably the matters under discussion would include things like the budget and salaries, and civil service reform, and retirement issues, at least conceivably.

Rep. Goodlette: Certainly, Mr. Speaker, that's the inference from the order itself. In reading the order, it's clear to me that anything that would have any budgetary impact would be something that would have been contemplated by the person who drafted the order on the first hand and presumably by the judge in conjunction with his execution of the order.

Speaker Feeney: Representative Frankel, and to elaborate from the Chair, at least with respect with having not appointed the budget conference committee yet, I'm in compliance with at least that small part of the order. You are recognized for another question.

Rep. Frankel: Thank you, Mr. Speaker. You know I feel like I'm being double-teamed back here. Alright, now [applause] alright, now, let me just say this, I want to say two things, OK? I can't possibly be as erudite as you but I want to say two things. One is that I know that many times courts issue injunctions over different governmental bodies and it's part of the common—really, it is part of a jurisprudence system. But I do want to say this for the record, and I want to say this because I was aware of your memorandum. I want to say this because I personally, in this instance, I would not favor civil disobedience. I believe that my protesting days are over, other than on the floor of the House. It is my interpretation of this order that it is not aimed at us here. It may be your interpretation because I will tell you this, that if I personally believed that I was violating this order I would not be here today because I would not want to be held in contempt of court. And I would use the judicial process to remedy that and I think I speak on behalf of my caucus back here, that with all due respect, we are not interpreting this order in a way that we would be held in contempt. So if anyone ever wants to question me at a later date, I think I've stated publicly that I believe that this order was aimed only at that specific committee, that joint committee. And with that I want to thank you for your courtesy, Mr. Speaker. [applause]

Speaker Feeney: Thank you, Representative Frankel. Representative Frankel, so that we understand, are you going to indemnify your members or do you want the House to, just in case?

Representative Smith, you are recognized.

Rep. Smith: Mr. Speaker, thank you, for a question and a slight comment.

I am a little concerned, more than just being a Member, meeting here, because as Members we are all under your interpretation of a violation of a court order. But there are about 30-something of us here who are officers of the court, so we have to answer not only to the court system but to the Florida Bar. And I wanted to make sure that your agreement to indemnify us in court as Members also extends to indemnifying us in front of the Florida Bar as we have disciplinary procedures. And I am very serious about that, Mr. Speaker. Dealing with the Florida Bar, you know, it can be a contentious situation for an officer of the court to violate a court order. In that vein, Mr. Speaker, could you have someone comment on where we are on the appellate process? And if possible if you could, I don't know, under the rules, if you could appoint a small committee to keep us constantly informed so that we can constantly make informed decisions of whether as officers of the court we violate court orders?

Speaker Feeney: Representative Goodlette, do you want to take a stab at answering Representative Smith's question? His question is with respect to whether or not the House—and you know from my perspective we'll take a look at any obligations that all of us who are members of the court may have as officers of the court. My intention would be that Members doing their constitutional duty would be completely protected by the actions of the House Counsel and that you could count on us to do our best.

Representative Goodlette, with respect to the rest of the question, go ahead.

Representative Goodlette: Mr. Speaker, I would suggest that to the extent that the appropriate answer to that question may be offered by our General Counsel, that Tom Tedcastle be called upon to answer

some of the specifics of that if he is in the Chamber or otherwise available.

Speaker Feeney: Well I don't think it's appropriate to have our staff, even our General Counsel, answer that question here. But Representative Smith, I think it would be appropriate that we ask our General Counsel to respond to your question. We will put a copy on every Member's desk or in their office, if we can. Thank you for the question.

Is there any other—we have made a little light, but this is a serious issue, ladies and gentlemen, and it affects our ability to conduct our business.

Representative Goodlette, what is your pleasure about the Order of Business? Are you ready to get to work?

Rep. Goodlette: Indeed we are, Mr. Speaker.

Speaker Feeney: Representative Baxley, for what purpose?

Rep. Baxley: For a comment, Mr. Speaker.

Speaker Feeney: Representative Baxley, why don't you make a short comment if you feel compelled; but what we would like to do probably is get into business.

Rep. Baxley: My short comment that is on the behalf of my colleagues to you. I would like to thank you for standing up for our legislative authority. And we need to thank our Speaker. [applause]

Resolutions

HR 9023—A resolution honoring Mr. William Russell Mote.

WHEREAS, born in 1906 in Tampa, Florida, Mr. William Russell Mote grew up by the sea and developed an intense love for all the treasures that it holds, and

WHEREAS, Mr. Mote left his home in 1929 for New York, where he founded the Republic Carloading and Distributing Company with partner Ted Bartels, popularizing a technique that made it practical to transport large trailers and containers on train flatcars across the United States, and

WHEREAS, although he made his fortune developing efficient means of moving cargo from ship to shore, Mr. William Mote never forgot his love for the sea, and focused much of his energy and his fortune to protecting the vast riches it held, and

WHEREAS, upon his retirement from the Republic Carloading and Distributing Company's Board of Directors, Mr. Mote directed his focus on his first love, serving on The Florida Council of 100 Committee on Oceanography and, after moving to Sarasota, Florida, in 1965, working to make Cape Haze Marine Laboratory a thriving marine research facility, and

WHEREAS, for his efforts in transforming the small Cape Haze Marine laboratory into an internationally recognized institution, the name was changed to Mote Marine Laboratory in 1967, in honor of the members of the Mote family, the laboratory's main benefactors, and the following year, Mr. William Mote received the Gold Medal Award of the International Oceanographic Foundation, and

WHEREAS, Mr. William Russell Mote actively participated in the Mote Marine laboratory affairs until his death on July 18, 2000, and

WHEREAS, in his lifetime, Mr. Mote dedicated his services to preserving the sea through partnerships with the Florida State University, from which he received an honorary doctorate degree, establishing the William R. and Lenore Mote Eminent Scholar Chair in Fisheries Ecology and Enhancement and providing intern scholarships, as well as establishing the Mote Vascular Foundation to further the lay public's and the medical community's knowledge of vascular diseases and their treatment, NOW, THEREFORE,

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

That the House of Representatives pauses in its deliberations to honor the memory of Mr. William Russell Mote in recognition of his tireless efforts to preserve our beautiful seas and all life therein, and to encourage all citizens to honor the memory of one of Florida's most accomplished philanthropists, a man whose life is a testament to the good that we all can accomplish when we follow our hearts.

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

HR 9043—A resolution recognizing April 2-8, 2001, as "Oceans Week" and April 4, 2001, as "Oceans Day."

WHEREAS, the Florida House of Representatives recognizes that coastal and ocean resources are vital to Florida's quality of life and economic vitality, and

WHEREAS, it is the policy of the State of Florida to conserve and protect its natural resources and scenic beauty, in accordance with Article II, Section 7 of the Florida Constitution, and

WHEREAS, Florida is the only state in the contiguous United States that is bordered on three sides by the sea, with over 8,000 miles of continuous tidal shoreline, and

WHEREAS, over 75 percent of Florida's citizens live within its coastal counties, and

WHEREAS, there is a need to coordinate the protection, enhancement, and management of our state's ocean resources so that future generations will enjoy healthy ocean and coastal resources, and

WHEREAS, oceans provide the basis for a significant part of the state's economic, ecological, and social well-being, and

WHEREAS, the United States Congress has called for the establishment of a coordinated and comprehensive national ocean policy by passing the Oceans Act of 2000, with appointment of a national commission by April 20, 2001, and a final report due 18 months after the commission is established, or by late 2002, and

WHEREAS, Oceanology International 2001, a world-class exhibition and joint ocean forum, is holding its first biennial Americas Conference in Miami, Florida, on April 3-5, 2001, and

WHEREAS, Mote Marine Laboratory and the Florida Institute of Oceanography are organizing ocean-related exhibitions and a reception for legislators and governmental officials at the State Capitol on April 4, 2001, and

WHEREAS, the Florida Ocean Alliance has been formed as a nonprofit, nonpartisan, public-private partnership of ocean-related interests to promote awareness and understanding of the ocean's importance to the ecology and economy of Florida and its neighbors, NOW, THEREFORE,

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

That the Florida House of Representatives recognizes the week of April 2-8, 2001, as Oceans Week, and April 4, 2001, as Oceans Day in recognition of the importance of Florida's ocean resources, and to promote public awareness of this importance.

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

By Representative Murman—

HR 9049—A resolution commending the osteopathic physicians of this state and recognizing April 4, 2001, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians provide health care services that account for more than 100 million patient visits in this country each year, and

WHEREAS, this state has ten accredited osteopathic hospitals, an osteopathic medical college, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

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

That the House of Representatives commends the osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes April 4, 2001, as Osteopathic Medicine Day.

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

By Representative Barreiro—

HR 9051—A resolution recognizing Wednesday and Thursday, April 4 and 5, 2001, as “Miami-Dade County Days.”

WHEREAS, Miami-Dade County is a center of world finance, with 135 financial institutions and foreign agencies within its boundaries, and

WHEREAS, Greater Miami-Dade County is the site of approximately 50 foreign consulates and numerous international trade offices and bi-national Chambers of Commerce, and

WHEREAS, the film and TV industry has made Miami-Dade County one of the largest production centers in the nation, and

WHEREAS, agriculture continues to provide significant economic activity, and the industry has diversified such that Miami-Dade County is one of the largest producers in the United States of tropical fruits, ornamental plants, and fish, and

WHEREAS, manufacturing is also a key industry in Miami-Dade County, with nearly 3,000 companies that employ approximately 80,000 individuals, and

WHEREAS, Miami-Dade County is experiencing a cultural boom in world-class entertainment and cultural activities, which is evidenced by the nonprofit cultural organizations offering dance, theater, music and visual arts, and festivals and special events, and

WHEREAS, the Miami-Dade community is a microcosm of the world, in the number of countries represented, languages spoken daily, and languages taught in the community’s schools, and a hub from which nonstop flights take passengers to Latin America and the Caribbean, and at which trade flourishes in the continental U.S. port located closest to Africa, NOW, THEREFORE,

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

That Wednesday and Thursday, April 4 and 5, 2001, are recognized as “Miami-Dade County Days.”

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

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 215.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

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 1:30 p.m., Tuesday, April 10. The motion was agreed to.

Recorded Votes

Rep. Clarke:

Change from Yeas to Nays—Amendment 4 to HB 1753

Rep. Gelber:

Yeas—HB 1727; HB 1739

Rep. Gibson:

Nays—Amendment 4 to HB 1753

Rep. Lee:

Yeas—HB 1743

Rep. Lerner:

Change from Yeas to Nays—HB 1809

Prime Sponsors

HB 953—Cantens

HB 1091—Mahon

Cosponsors

HB 23—Atwater

HB 45—Clarke, Harrington, Henriquez, Kottkamp, Kyle, Sorensen, Stansel, Trovillion

HJR 49—Betancourt, Bucher, Machek, Rich, Slosberg, Weissman

HB 135—Harper

HB 189—Carassas

HB 213—Kosmas

HB 317—Slosberg

HB 329—Hogan

CS/HB 337—Lynn

HB 349—Machek

HB 379—Lerner

HB 449—Haridopolos

HB 553—Slosberg

CS/HB 681—Greenstein, Kosmas

HB 695—Sobel

HB 701—Kendrick

HB 715—Atwater

CS/HB 809—Brown

HB 1019—Cantens, Diaz-Balart, Lacasa, Rubio

HB 1035—Bense, Johnson

HB 1077—Farkas

HB 1109—Mack

CS/HB 1145—Bullard

HB 1165—Kravitz

HB 1173—Hart

HB 1203—McGriff, Wiles

HB 1225—Betancourt

HB 1371—Siplin

HB 1403—Kravitz

HB 1409—Diaz de la Portilla, Lynn, Rich

HB 1411—Kendrick

HB 1419—Kilmer

HB 1705—Detert

Introduction and Reference

By the Committee on Health Regulation; Representatives Farkas, Harrell, Wishner, Fiorentino, and Rubio—

HB 1867—A bill to be entitled An act relating to health care practitioner regulation; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of

maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; capping indirect costs allowable under contracts the department has with private entity vendors or other state agencies; exempting the Medical Quality Assurance Trust Fund from the general revenue service charge for a specified period; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing education tracking system; amending s. 456.065, F.S.; requiring the unlicensed activity fee to be in addition to all other fees collected from each licensee; amending ss. 456.015, 457.105, 457.107, 457.108, 458.311, 458.313, 458.3135, 458.314, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345, 458.347, 459.009, 459.0092, 459.021, 459.022, 460.406, 460.407, 460.4165, 460.4166, 461.006, 461.007, 461.008, 462.08, 462.16, 462.19, 463.0057, 463.006, 463.007, 463.008, 464.008, 464.009, 464.012, 464.014, 464.019, 464.0205, 465.007, 465.008, 465.012, 465.0125, 465.0126, 465.0156, 465.022, 465.0276, 466.004, 466.006, 466.007, 466.008, 466.009, 466.013, 466.015, 466.017, 466.032, 467.0125, 467.0135, 468.1145, 468.1695, 468.1705, 468.1725, 468.1735, 468.209, 468.211, 468.221, 468.357, 468.361, 468.364, 468.508, 468.509, 468.513, 468.705, 468.709, 468.803, 468.805, 468.806, 478.45, 478.47, 478.50, 478.51, 478.55, 480.043, 480.044, 483.807, 483.819, 483.901, 484.002, 484.007, 484.008, 484.009, 484.0447, 486.041, 486.061, 486.081, 486.085, 486.103, 486.106, 486.107, 486.108, 490.005, 490.0051, 490.007, 491.0045, 491.0046, 491.005, 491.007, 491.008, and 491.0145, F.S.; conforming provisions relating to fees; repealing s. 458.31151, F.S., relating to development of the examination for foreign-trained physicians and the fees therefor; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination item banks with certain entities; providing for review of questions by legal counsel under certain circumstances; providing for electronic administration of all laws and rules examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.036, F.S.; conforming fee provisions; amending s. 456.037, F.S.; including optical establishments and optometry branch offices among provisions relating to active status requirements of business establishments; amending s. 456.073, F.S.; authorizing a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for the posting of newsletters on the department's website; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising and providing disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 459.0085, 459.015, 460.413, 461.013, 462.14, 463.016, 464.018, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, and 491.009, F.S.; conforming provisions relating to disciplinary actions; repealing s. 483.827, F.S., relating to administrative penalties applicable to clinical laboratory personnel; amending s. 456.074, F.S.; providing for immediate suspension of license for violations relating to fraudulent practices; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; providing effective dates.

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

By the Committee on Judicial Oversight; Representative Crow—

HB 1869—A bill to be entitled An act relating to child support enforcement; amending ss. 61.11, 61.13, 61.13015, 61.13016, 61.13017,

61.181, 61.1824, 409.2557, 409.25575, 409.2561, 409.2564, 409.2565, 409.25657, 409.2567, 409.2578, 409.2579, 409.2594, 409.2598, 414.095, and 443.051, F.S.; deleting reference to child support and providing reference to support; amending ss. 69.041, 213.053, 231.097, 320.05, 328.42, 414.065, 455.203, 456.004, 559.79, and 943.053, F.S.; including reference to the definition of support; amending s. 24.115, F.S.; including spousal support or alimony for former spouse of an obligor if child support is being enforced by the Department of Revenue among a list of items which must be paid prior to the award of certain prizes; amending s. 61.046, F.S.; redefining the term "support order"; defining the term "support"; amending s. 61.1301, F.S.; revising language with respect to income deduction orders to provide for such orders under certain circumstances; amending s. 61.1354, F.S.; revising language with respect to the sharing of information between consumer reporting agencies and the Title IV-D agency; amending s. 61.14, F.S.; including reference to the State Disbursement Unit with respect to support payments; amending s. 61.14, F.S.; authorizing the court to modify an order for child support, maintenance, or alimony retroactive to the date of the filing of the action; providing an exception; providing requirements for judges of compensation claims with respect to settlement of a lump-sum payment; amending s. 61.1825, F.S.; revising language with respect to the state case registry to include additional provisions requiring the placement of a family violence indicator in the record; amending s. 61.30, F.S.; redefining the term "gross income" with respect to child support guidelines; authorizing the court to adjust the minimum child support award based on consideration of the particular shared parental arrangement; specifying procedure for adjustment of any award of child support when the particular shared parental arrangement provides that each child spend a substantial amount of time with each parent; specifying circumstances under which failure of a noncustodial parent to exercise visitation may trigger modification of the child support award; providing for retroactive application of such modified support award; amending s. 120.80, F.S.; providing for proceedings for administrative child support orders under the Department of Revenue; amending s. 322.058, F.S.; including additional provisions requiring the suspension of a drivers' license for failure to comply with a subpoena, order to appear, order to show cause, or similar order with respect to a delinquent support obligation; amending s. 322.142, F.S.; including an additional reason that reproductions of records with respect to drivers' licenses may be sent from the Department of Highway Safety and Motor Vehicles; amending s. 328.42, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to allow the Department of Revenue to screen applicants for new or renewal vessel registrations to assure compliance with an obligation for support; amending s. 409.2554, F.S.; redefining the terms "public assistance" and "support"; defining the terms "undistributable collection" and "unidentifiable collection"; amending s. 409.2558, F.S.; revising language with respect to support distribution and disbursement to include reference to undistributable collections and unidentifiable collections; providing for the disbursement of support payments; creating s. 409.2563, F.S.; providing for a pilot program for administrative establishment of child support obligations; amending s. 409.2564, F.S.; revising language with respect to actions for support; amending s. 409.25645, F.S.; revising language with respect to administrative orders for genetic testing; amending s. 409.25656, F.S.; clarifying language with respect to garnishment; amending s. 409.2572, F.S.; including reference to public assistance with respect to certain acts of noncooperation; amending s. 409.2578, F.S.; revising language with respect to access to employment information for enforcing support obligations; repealing s. 409.2591, F.S., relating to unidentifiable moneys held in a special account; amending s. 414.065, F.S., relating to work activity requirements for noncustodial parents; amending s. 414.32, F.S.; revising language with respect to certain food stamp programs; amending s. 440.20, F.S.; revising language with respect to lump-sum payments under workers compensation; amending s. 440.22, F.S.; providing that exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony; amending s. 742.12, F.S.; revising language with respect to scientific testing to determine paternity; providing for a case analysis; providing effective dates.

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

By the Committee on Health Regulation; Representatives Farkas, Sobel, Alexander, Ritter, Harrell, and Wishner—

HB 1871—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

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

By the Committee on Health Regulation; Representatives Farkas, Sobel, Alexander, Ritter, Harrell, and Wishner—

HB 1873—A bill to be entitled An act relating to health care; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the department to notify the patient or legal representative of the status of a disciplinary case; requiring the agency to provide certain information to the complainant; amending s. 456.077, F.S.; specifying violations for which the department or a regulatory board may issue citations; amending s. 456.081, F.S.; requiring the department and regulatory boards to maintain a website containing specified information; amending ss. 458.331 and 459.015, F.S.; conforming language and cross references to changes made by the act; amending ss. 465.019 and 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the department and agency to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s. 468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3) and 468.1735, F.S., to incorporate said amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1), in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a) and 626.989(6), F.S., to incorporate said amendment in references; amending s. 766.1115, F.S.; conforming language and cross references to changes made by the act; providing an effective date.

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

By the Committee on Transportation; Representative Russell—

HB 1875—A bill to be entitled An act relating to driver licensing; creating the Driver Licensing Study Commission within the Department of Highway Safety and Motor Vehicles; providing for membership and appointment; providing for staff; providing for duties

of the commission; providing for dissolution of the commission upon submission of a required report; providing an appropriation; providing an effective date.

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

HR 9047—Adopted earlier today

HR 9049—Adopted earlier today

HR 9051—Adopted earlier today

First Reading of Council and Committee Substitutes by Publication

By the Council for Healthy Communities; Representatives Harrington, Kravitz, Cantens, Fiorentino, Bean, Spratt, Mahon, and Dockery—

CS/HB 131—A bill to be entitled An act relating to correctional facilities; creating s. 784.074, F.S.; providing for reclassification of offenses of assault or battery on a staff member of a sexually violent predators detention or commitment facility; creating s. 784.078, F.S.; defining “facility” and “employee”; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a sexually violent predators detention or commitment facility or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 806.13, F.S.; providing a penalty for criminal mischief upon a sexually violent predators detention or commitment facility and reenacting s. 901.15, F.S., relating to arrest without a warrant, to incorporate said amendment in a reference; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee and assault or battery of a staff member of a sexually violent predators facility, for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee, for testing of such person and any inmate who may have transmitted a communicable disease to such person; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to promulgate rules; providing an effective date.

By the Committee on Colleges & Universities; Representatives Alexander and Lynn—

CS/HB 281—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the “Higher Educational Facilities Financing Act”; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

By the Committee on Education Innovation; Representative Sorensen—

CS/HB 481—A bill to be entitled An act relating to educational finance; amending s. 236.081, F.S.; revising the limitation on the percentage of a school district’s total K-12 Florida Education Finance Program calculation that may be produced by the district’s revenue from required local effort millage for certain counties; providing an effective date.

By the Committee on Colleges & Universities; Representatives Lynn, Melvin, Waters, Wallace, Dockery, Lacasa, Murman, Maygarden, Johnson, Andrews, and Kilmer—

CS/HB 1533—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Education K-20 Policy and Research Commission, respectively; creating the Education K-20 Policy and Research Commission within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Education K-20 Policy and Research Commission; establishing the membership and duties of the commission; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director and to serve as secretary of the Florida Board of Education and as chief executive officer of the seamless K-20 education system; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission, goals, and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees and a Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory bodies as necessary, and develop and recommend to the Legislature a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full

implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the commissioner's Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices and divisions; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing duties of the commission; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying and providing responsibilities of the Florida Partnership for School Readiness, the Department of Education, and parents relating to school readiness; assigning the Florida Partnership for School Readiness to the Agency for Workforce Innovation for administrative purposes; requiring a plan for distribution and expenditure of school readiness funds; creating s. 229.0084, F.S.; providing a statement of legislative findings and intent regarding liability for student achievement and the autonomy of independent K-12 schools and home education programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; repealing s. 235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

Reports of Councils and Standing Committees

Council Reports

Received April 4:

The Council for Healthy Communities recommends a council substitute for the following:

HB 131

The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 131 was laid on the table.

Committee Reports

Received April 4:

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

CS/HB 719

The above bill was referred to the Council for Competitive Commerce.

The Committee on General Government Appropriations recommends the following pass:

CS/HB 681, with 1 amendment (fiscal note attached)

The above bill was referred to the Council for Competitive Commerce.

The Committee on Health Promotion recommends the following pass:
CS/HB 809, with 1 amendment

The above bill was referred to the Council for Competitive Commerce.

The Committee on State Administration recommends the following pass:

CS/HB 591

CS/HB 721, with 1 amendment

HB 1541

The above bills were referred to the Council for Competitive Commerce.

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 503, with 1 amendment (fiscal note attached)

HB 645 (fiscal note attached)

The above bills were referred to the Fiscal Responsibility Council.

The Committee on Judicial Oversight recommends the following pass:
HJR 689

The above bill was referred to the Fiscal Responsibility Council.

The Committee on State Administration recommends the following pass:

HB 1249

HB 1513

The above bills were referred to the Fiscal Responsibility Council.

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 1777, with 1 amendment

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

The Committee on Health Regulation recommends the following pass:
HB 1403, with 1 amendment

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

The Committee on Judicial Oversight recommends the following pass:
HB 315

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

The Committee on State Administration recommends the following pass:

HB 1067, with 1 amendment

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

The Committee on Health Promotion recommends the following pass:
HB 329, with 1 amendment

The above bill was referred to the Procedural & Redistricting Council.

The Committee on Judicial Oversight recommends the following pass:
CS/HB 371

The above bill was referred to the Council for Ready Infrastructure.

The Committee on Transportation recommends the following pass:
HB 1173, with 1 amendment

The above bill was referred to the Council for Ready Infrastructure.

The Committee on Business Regulation recommends the following pass:

HB 579, with 1 amendment

HB 1397, with 1 amendment

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

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 955

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

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 1425, with 3 amendments

The above bill was referred to the Committee on Criminal Justice Appropriations.

The Committee on Judicial Oversight recommends the following pass:
HB 321, with 1 amendment

The above bill was referred to the Committee on Criminal Justice Appropriations.

The Committee on State Administration recommends the following pass:

HB 301, with 1 amendment

The above bill was referred to the Committee on Criminal Justice Appropriations.

The Committee on Education Innovation recommends the following pass:

HB 1615

The above bill was referred to the Committee on Education Appropriations.

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 213

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

The Committee on Judicial Oversight recommends the following pass:
HB 1027, with 1 amendment

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

The Committee on State Administration recommends the following pass:

HB 95

HB 651, with 1 amendment

HB 1549, with 1 amendment

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

The Committee on State Administration recommends the following pass:

CS/HB 255

The above bill was referred to the Committee on General Government Appropriations.

The Committee on Health Promotion recommends the following pass:
HB 1799

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

The Committee on Colleges & Universities recommends a committee substitute for the following:
HB 1533

The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1533 was laid on the table.

The Committee on Education Innovation recommends a committee substitute for the following:
HB 481

The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 481 was laid on the table.

The Committee on Colleges & Universities recommends a committee substitute for the following:
HB 281

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 281 was laid on the table.

The Committee on Judicial Oversight recommends the following pass:
HB 1391, with 1 amendment
HB 1485, with 1 amendment

The above bills were referred to the Committee on Crime Prevention, Corrections & Safety.

The Committee on State Administration recommends the following pass:
HB 727, with 1 amendment

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

The Committee on State Administration recommends the following pass:
HB 1519, with 1 amendment

The above bill was referred to the Committee on Elder & Long-Term Care.

The Committee on State Administration recommends the following pass:
HB 751

The above bill was referred to the Committee on Health Promotion.

The Committee on Health Promotion recommends the following pass:
HB 1373, with 1 amendment

The above bill was referred to the Committee on Insurance.

The Committee on Health Regulation recommends the following pass:
HB 947
HB 1153, with 1 amendment

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

The Committee on Business Regulation recommends the following pass:
HB 1223, with 1 amendment

The above bill was referred to the Committee on Local Government & Veterans Affairs.

The Committee on Transportation recommends the following pass:
HB 1099

The above bill was referred to the Committee on Local Government & Veterans Affairs.

The Committee on Judicial Oversight recommends the following pass:
HJR 825

The above bill was referred to the Committee on Rules, Ethics & Elections.

The Committee on Education Innovation recommends the following pass:
HB 1347

The above bill was referred to the Committee on Transportation.

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:
HB 1349, with 1 amendment

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

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 4:18 p.m., to reconvene at 1:30 p.m., Tuesday, April 10.