



The Journal OF THE House of Representatives

Number 18

Thursday, April 9, 1998

The House was called to order by the Speaker at 9:45 a.m.

Wasserman Schultz Wiles
Westbrook

Wise

Ziebarth

Prayer

The following prayer was offered by the Reverend Dr. Randy Ray of Temple Baptist Church of Tallahassee, upon invitation of Rep. Brooks:

Dear Father, we thank you for this opportunity today to be servants, and I pray that your hand of guidance and leadership will be upon each of these servants today. May each man and woman in this House be guided by your wisdom, and, Lord, may all that's done for this state be done under the supervision of your greater good.

Thank you for the opportunity to be a part of such a wonderful state and such a magnificent country. Lord, I pray that today this House will be good stewards of their part of the world. In Christ's name we pray. Amen.

The following Members were recorded present:

| | | | |
|-------------|--------------|-------------|------------------|
| The Chair | Cosgrove | Horan | Pruitt, K. |
| Albright | Crady | Jacobs | Putnam |
| Alexander | Crist | Jones | Rayson |
| Andrews | Crow | Kelly | Reddick |
| Argenziano | Culp | King | Ritchie |
| Arnall | Dawson-White | Kosmas | Ritter |
| Arnold | Dennis | Lacasa | Roberts-Burke |
| Bainter | Dockery | Lawson | Rodriguez-Chomat |
| Ball | Edwards | Lippman | Rojas |
| Barreiro | Effman | Littlefield | Sanderson |
| Betancourt | Eggelletion | Livingston | Saunders |
| Bitner | Fasano | Logan | Semler |
| Bloom | Feeney | Lynn | Silver |
| Boyd | Fischer | Mackenzie | Sindler |
| Bradley | Flanagan | Mackey | Smith |
| Brennan | Frankel | Maygarden | Spratt |
| Bronson | Fuller | Meek | Stabins |
| Brooks | Futch | Melvin | Stafford |
| Brown | Garcia | Merchant | Starks |
| Bullard | Gay | Miller | Tamargo |
| Burroughs | Goode | Minton | Thrasher |
| Bush | Gottlieb | Morrioni | Tobin |
| Byrd | Greene | Morse | Trovillion |
| Carleton | Hafner | Murman | Turnbull |
| Casey | Harrington | Ogles | Valdes |
| Chestnut | Healey | Peaden | Villalobos |
| Clemons | Heyman | Posey | Wallace |
| Constantine | Hill | Prewitt, D. | Warner |

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

A quorum was present.

Pledge

The Members, led by Mary Katherine DeFoor, Alicia M. Ellis, Laurel Lee Sherer, Whitney Anne Whitehead, Allison Brooks, and Amanda Byrd, pledged allegiance to the Flag. Mary Katherine DeFoor of Key Largo served at the invitation of Rep. Horan. Alicia M. Ellis of Crestview served at the invitation of Rep. Stabins. Laurel Lee Sherer of Griffin and Amanda Byrd of Plant City served at the invitation of Rep. Byrd. Whitney Anne Whitehead of St. Augustine served at the invitation of the Speaker. Allison Brooks of Winter Park served at the invitation of Rep. Brooks.

House Physician

The Speaker introduced Dr. Emmet Ferguson of Jacksonville, who served in the Clinic today upon invitation of Rep. Crady.

Correction of the *Journal*

The *Journal* of April 8 was corrected and approved as follows: On page 477, column 2, line 19 from the bottom, after the action on CS/HB 4387, before "—A bill to be entitled" insert: **CS/CS/HB 4383**

Motions Relating to Committee References

On motion by Rep. Crady, Co-Chair of the Committee on Rules, Resolutions, & Ethics, the rules were suspended and all references of HBs 1235, 3133, 3423, and 4347 were removed and the bills were shown as filed but not referred.

On motion by Rep. Thrasher, Co-Chair, the rules were suspended and HRs 9351 and 9353 were withdrawn from the Committee on Rules, Resolutions, & Ethics and placed on the Ceremonial Resolutions Calendar.

On motion by Rep. Littlefield, agreed to by two-thirds vote, HB 4423 was withdrawn from the Committee on Elder Affairs & Long Term Care and placed on the appropriate Calendar or Council list.

On motion by Rep. Littlefield, agreed to by two-thirds vote, HB 4475 was withdrawn from the Committee on Health Care Standards & Regulatory Reform and remains referred to the Committees on Community Affairs and Health & Human Services Appropriations.

On motion by Rep. Littlefield, agreed to by two-thirds vote, HB 3817 was withdrawn from the Committee on Health Care Services and remains referred to the Committee on Civil Justice & Claims.

On motion by Rep. Bitner, agreed to by two-thirds vote, HB 3501 was withdrawn from the Committee on Business Development & International Trade and remains referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. Bitner, agreed to by two-thirds vote, HB 3613 was withdrawn from the Committee on Business Development & International Trade and remains referred to the Committees on Finance & Taxation and General Government Appropriations.

On motion by Rep. Bitner, agreed to by two-thirds vote, CS/HB 4147 was withdrawn from the Committee on Business Development & International Trade and remains referred to the Committee on Health & Human Services Appropriations.

On motion by Rep. Bitner, agreed to by two-thirds vote, HB 4227 was withdrawn from the Committee on Regulated Services and remains referred to the Committee on Crime & Punishment.

On motion by Rep. Crist, agreed to by two-thirds vote, CS/HB 3371 was withdrawn from the Committee on Civil Justice & Claims and remains referred to the Committee on Agriculture.

On motion by Rep. Crist, agreed to by two-thirds vote, CS/HB 3391 was withdrawn from the Committee on Family Law & Children and remains referred to the Committees on Crime & Punishment and Health & Human Services Appropriations.

On motion by Rep. Crist, agreed to by two-thirds vote, CS/HB 3391 was withdrawn from the Committee on Crime & Punishment and remains referred to the Committee on Health & Human Services Appropriations.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 4119 was withdrawn from the Committee on Community Affairs and remains referred to the Committees on Governmental Rules & Regulations and General Government Appropriations.

On motion by Rep. Constantine, HB 4423 was further referred to the Committee on Community Affairs.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 4041 was withdrawn from the Committee on Water & Resource Management and remains referred to the Committee on Finance & Taxation.

On motion by Rep. Constantine, HB 4475 was further referred to the Committee on Environmental Protection and remains referred to the Committees on Community Affairs and Health & Human Services Appropriations.

On motion by Rep. Andrews, agreed to by two-thirds vote, HB 3593 was withdrawn from the Committee on Education/K-12 and remains referred to the Committees on Transportation and Education Appropriations.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 1381 and HB 3659 were withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/CS/HB 1751 and HB 4281 were withdrawn from the Committee on Education Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Garcia, agreed to by two-thirds vote, HBs 3661, 3773, and 4009 were withdrawn from the Committee on Finance & Taxation. HBs 3661 and 3773 were placed on the appropriate Calendar or Council list. HB 4009 remains referred to the Committee on General Government Appropriations.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 3211; CS/HB 3369; CS/HB 3623; and CS/HB 3681 were withdrawn from the Committee on General Government Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Garcia, CS/HB 1795 and HB 3661 were further referred to the Committee on General Government Appropriations.

On motion by Rep. Garcia, agreed to by two-thirds vote, HBs 3479 and 4427 were withdrawn from the Committee on Transportation & Economic Development Appropriations. HB 4427 was placed on the appropriate Calendar or Council list. HB 3479 remains referred to the Committee on General Government Appropriations.

On motion by Rep. Fasano, agreed to by two-thirds vote, HB 3237 was withdrawn from further consideration of the House.

On motion by Rep. Saunders, agreed to by two-thirds vote, HB 3517 was withdrawn from further consideration of the House.

On motion by Rep. Saunders, agreed to by two-thirds vote, HB 4375 was withdrawn from further consideration of the House.

On motion by Rep. Fischer, agreed to by two-thirds vote, HB 3869 was withdrawn from further consideration of the House.

On motion by Rep. Cosgrove, agreed to by two-thirds vote, HB 3325 was withdrawn from further consideration of the House.

On motion by Rep. Cosgrove, agreed to by two-thirds vote, HB 3317 was withdrawn from further consideration of the House.

On motion by Rep. Arnall, agreed to by two-thirds vote, HB 3935 was withdrawn from further consideration of the House.

On motion by Rep. Boyd, agreed to by two-thirds vote, CS/HB 3127 was withdrawn from further consideration of the House.

On motion by Rep. Stabins, agreed to by two-thirds vote, HB 3751 was withdrawn from further consideration of the House.

Daily Folder

General Calendar

Bills and Joint Resolutions on Third Reading

CS/CS/HBs 683 & 2131—A bill to be entitled An act relating to school readiness; creating the "Children First Act of 1998; renaming ch. 411, F.S.; creating s. 411.01, F.S.; providing legislative intent relating to early childhood health care, child care, and education; providing that early childhood health care, child care, and education programs shall be school readiness programs; creating the Florida Partnership for Children First, Inc. (Children First Partnership); creating the Children First Governing Board to operate as the board of directors of the Children First Partnership; providing Children First Partnership and governing board responsibilities and duties; providing membership of the governing board and meeting requirements; providing that the Children First Partnership is subject to public records and public meeting requirements; providing for hiring of certain employees; providing powers as a corporation; providing for staff of the governing board and Children First Partnership; requiring the Children First Partnership to phase in a program meeting specified requirements; requiring recommendations to revise provision of services to children of teenage parents; providing for establishment of a Children First Coalition in each county or combination of counties; specifying services to be provided by coalitions; providing for designation and approval of a fiscal agent; providing for the transfer of funds; providing for coalition initiation grants to develop children first plans and block grant funding to implement such plans; providing for award of an incentive bonus; providing requirements for such plans; providing for parental choice and payment arrangements; providing for evaluation and performance measures; providing responsibility for implementation; providing for phase-out of the State Coordinating Council for Early Childhood Services; creating s. 411.02, F.S.; providing for a Children First Appropriation Allocation Conference; amending s. 216.136, F.S.; creating the School Readiness Program Estimating Conference; providing duties and principals; conforming provisions; amending and renumbering s. 230.2303, F.S., relating to the Florida First Start Program; revising provisions; providing for implementation pursuant to a children first plan developed by the Children First Coalition and approved by the Children First Partnership; amending and renumbering s. 230.2305, F.S., relating to the prekindergarten early

intervention program; revising provisions; providing for administration by a district school board or other Children First Coalition provider; providing Children First Coalition responsibility for programs; providing for oversight by the Children First Partnership and Children First Coalition and specifying duties; creating s. 411.05, F.S.; requiring the Department of Education to adopt the school readiness screening instruments developed by the Children First Partnership and to require their use by the school districts; creating s. 411.06, F.S.; recognizing the nationwide Parents as Teachers Program; establishing the Florida Parents as Teachers Program under the jurisdiction of the Children First Partnership; providing program requirements; amending and renumbering s. 402.281, F.S., relating to the Gold Seal Quality Care program; providing duties of the Children First Partnership; amending s. 411.202, F.S.; revising definitions; amending s. 411.203, F.S.; revising provisions relating to a continuum of comprehensive services; amending ss. 411.24 and 411.242, F.S., to conform; amending and renumbering s. 402.305, F.S., relating to licensing standards for child care facilities; providing duties of the Children First Partnership; removing provisions relating to a child care technical review panel; amending and renumbering s. 402.3052, F.S., relating to child development associate training grants; providing for consultation with the Children First Partnership; amending s. 20.19, F.S., relating to the Department of Children and Family Services; requiring cooperation with the Children First Partnership and Children First Coalitions; amending s. 229.591, F.S., relating to the school improvement and education accountability system; conforming school readiness goals; amending s. 288.9620, F.S., relating to the workforce development board; providing for a report to the Children First Partnership; amending ss. 232.01, 383.14, and 397.901, F.S., to conform; amending ss. 414.027, 414.028, 414.055, and 414.22, F.S., relating to the WAGES Program; providing for coordination with the Children First Partnership and Children First Coalitions; amending s. 446.601, F.S., relating to the "Workforce Florida Act of 1996"; providing for coordination with the Children First Partnership and Children First Coalitions; amending s. 624.91, F.S., relating to the "Florida Healthy Kids Corporation Act"; providing a goal to work cooperatively with the Children First Partnership; repealing s. 228.061(1), F.S., relating to preschool programs, s. 230.2306, F.S., relating to prekindergarten children service needs assessments and accommodation efforts by school districts, s. 391.304, F.S., relating to coordination of the developmental evaluation and intervention program, s. 402.26, F.S., relating to legislative intent with respect to child care, s. 402.28, F.S., relating to Child Care Plus facilities, s. 411.201, F.S., the short title for the Florida Prevention, Early Assistance, and Early Childhood Act, s. 411.204, F.S., relating to program evaluation under the act, s. 411.205, F.S., relating to rules, s. 411.22, F.S., relating to legislative intent with respect to prevention and early assistance, s. 411.221, F.S., relating to preparation of the prevention and early assistance strategic plan, s. 411.223, F.S., relating to uniform standards for preventive health care, s. 411.224, F.S., relating to the family support planning process, and ss. 411.23, 411.231, and 411.232, F.S., the Children's Early Investment Act, effective July 1, 1998; repealing s. 402.47, F.S., relating to foster grandparent and retired senior volunteer services to high-risk and handicapped children, s. 411.222, F.S., relating to the Offices of Prevention, Early Assistance, and Child Development and the State Coordinating Council for Early Childhood Services and their duties, and s. 411.3015(9), F.S., relating to collaborative agreements and plans with respect to subsidized child care programs, effective July 1, 1999; renumbering ss. 402.301, 402.3015, 402.302, 402.3025, 402.3026, 402.3051, 402.3055, 402.3057, 402.3058, 402.306, 402.307, 402.308, 402.309, 402.310, 402.311, 402.312, 402.3125, 402.313, 402.3135, 402.314, 402.3145, 402.315, 402.316, 402.318, 402.319, and 402.45, F.S.; requiring amendment recommendations regarding s. 411.301, F.S., relating to legislative intent with respect to child care facilities, s. 411.3015, F.S., relating to the subsidized child care program, s. 411.302, F.S., relating to definitions, s. 411.3025, F.S., relating to public and nonpublic schools in relation to child care requirements, s. 411.3026, F.S., relating to establishment of full-service schools, s. 411.305, F.S., relating to licensing standards for child care facilities, s. 411.3051, F.S., relating to child care market rate reimbursement and grants, s. 411.3052, F.S., relating to the child development associate training grants program, s. 411.3055, F.S., relating to child care personnel requirements, s. 411.306, F.S., relating

to designation of the licensing agency and dissemination of information, s. 411.307, F.S., relating to approval of the licensing agency, s. 411.308, F.S., relating to issuance of a license, s. 411.309, F.S., relating to provisional licenses, s. 411.310, F.S., relating to disciplinary actions, s. 411.311, F.S., relating to inspection of facilities, s. 411.312, F.S., relating to injunctive relief, s. 411.3125, F.S., relating to display and appearance of license, s. 411.313, F.S., relating to family day care homes, s. 411.3135, F.S., relating to the subsidized child care case management program, s. 411.314, F.S., relating to supportive services, s. 411.3145, F.S., relating to the subsidized child care transportation program, s. 411.315, F.S., relating to funding and license fees, s. 411.316, F.S., relating to exemptions, s. 411.318, F.S., relating to prohibited advertisement, s. 411.319, F.S., relating to penalties, s. 411.33, F.S., relating to authority to charge fees, s. 411.45, F.S., relating to the community resource mother or father program, and s. 409.178, F.S., relating to the Child Care Partnership Act, by March 1, 2000; requiring legislative review of such recommendations; requiring review of s. 402.27, F.S., by March 1, 1999, and recommendation to the Legislature regarding optimal coordination of resource and referral functions; providing appropriations; providing effective dates.

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

Yeas—78

| | | | |
|-------------|------------|---------------|------------|
| The Chair | Crady | Littlefield | Saunders |
| Albright | Crow | Livingston | Sembler |
| Alexander | Culp | Logan | Smith |
| Andrews | Dennis | Lynn | Spratt |
| Argenziano | Dockery | Mackey | Stabins |
| Arnall | Fasano | Maygarden | Starks |
| Bainter | Feeney | Melvin | Sublette |
| Ball | Flanagan | Merchant | Tamargo |
| Barreiro | Fuller | Minton | Thrasher |
| Bitner | Futch | Morrone | Trovillion |
| Boyd | Garcia | Morse | Valdes |
| Bronson | Gay | Murman | Villalobos |
| Brooks | Goode | Ogles | Wallace |
| Burroughs | Harrington | Peaden | Warner |
| Byrd | Jones | Posey | Westbrook |
| Carlton | Kelly | Pruitt, K. | Wiles |
| Casey | King | Putnam | Wise |
| Chestnut | Lacasa | Roberts-Burke | Ziebarth |
| Clemons | Lawson | Rojas | |
| Constantine | Lippman | Sanderson | |

Nays—39

| | | | |
|------------|--------------|-------------|-------------------|
| Arnold | Dawson-White | Hill | Ritchie |
| Betancourt | Edwards | Horan | Ritter |
| Bloom | Effman | Jacobs | Rodriguez-Chomat |
| Bradley | Fischer | Kosmas | Silver |
| Brennan | Frankel | Mackenzie | Sindler |
| Brown | Gottlieb | Meek | Stafford |
| Bullard | Greene | Miller | Tobin |
| Bush | Hafner | Prewitt, D. | Turnbull |
| Cosgrove | Healey | Rayson | Wasserman Schultz |
| Crist | Heyman | Reddick | |

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelton, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:

Nays—Eggelton
Yeas to Nays—Lippman

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

CS/HB 4385—A bill to be entitled An act relating to public records; amending s. 411.01, F.S.; providing for access to a child's records by the Florida Partnership for Children First, Inc.; providing an exemption from public records requirements for identifying information in records relating to children eligible for programs under the partnership's jurisdiction; specifying that any information received that is otherwise confidential shall remain confidential; providing for disclosure with the consent of the parent or guardian; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Yeas—83

| | | | |
|------------|-------------|-------------|---------------|
| The Chair | Clemons | Kosmas | Putnam |
| Albright | Constantine | Lacasa | Roberts-Burke |
| Alexander | Cosgrove | Lawson | Rojas |
| Andrews | Crady | Littlefield | Saunders |
| Argenziano | Crist | Livingston | Sembler |
| Arnall | Crow | Logan | Smith |
| Arnold | Culp | Lynn | Spratt |
| Bainter | Dockery | Mackey | Stabins |
| Ball | Eggelletion | Maygarden | Starks |
| Barreiro | Fasano | Meek | Tamargo |
| Betancourt | Feeney | Melvin | Trovillion |
| Bitner | Flanagan | Merchant | Turnbull |
| Boyd | Fuller | Minton | Valdes |
| Bronson | Futch | Morrone | Villalobos |
| Brooks | Garcia | Morse | Wallace |
| Brown | Gay | Murman | Warner |
| Burrroughs | Goode | Ogles | Westbrook |
| Byrd | Harrington | Peaden | Wiles |
| Carlton | Healey | Posey | Wise |
| Casey | Jones | Prewitt, D. | Ziebarth |
| Chestnut | Kelly | Pruitt, K. | |

Nays—26

| | | | |
|--------------|----------|-----------|----------|
| Bloom | Fischer | Horan | Ritchie |
| Bradley | Frankel | Jacobs | Ritter |
| Brennan | Gottlieb | Lippman | Silver |
| Bush | Greene | Mackenzie | Stafford |
| Dawson-White | Hafner | Miller | Tobin |
| Edwards | Heyman | Rayson | |
| Effman | Hill | Reddick | |

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:

Yeas—Dennis, King, Rodriguez-Chomat, Sindler, Sublette
 Nays—Bullard
 Yeas to Nays—Brown, D. Prewitt

So the bill passed and was certified to the Senate.

CS/HB 4387—A bill to be entitled An act relating to trust funds; creating s. 411.015, F.S.; creating the Children First School Readiness Trust Fund in the Department of Education, to be administered by the Florida Partnership for Children First, Inc.; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

Yeas—82

| | | | |
|------------|-------------|------------------|------------|
| The Chair | Constantine | Lawson | Sanderson |
| Albright | Cosgrove | Littlefield | Saunders |
| Alexander | Crady | Livingston | Sembler |
| Andrews | Crist | Logan | Smith |
| Argenziano | Crow | Lynn | Spratt |
| Arnall | Culp | Mackey | Stabins |
| Arnold | Dennis | Maygarden | Starks |
| Bainter | Dockery | Melvin | Sublette |
| Ball | Fasano | Merchant | Tamargo |
| Barreiro | Feeney | Minton | Thrasher |
| Betancourt | Flanagan | Morrone | Trovillion |
| Bitner | Fuller | Morse | Valdes |
| Boyd | Futch | Murman | Villalobos |
| Bronson | Garcia | Ogles | Wallace |
| Brooks | Gay | Peaden | Warner |
| Burrroughs | Goode | Posey | Westbrook |
| Byrd | Harrington | Pruitt, K. | Wiles |
| Carlton | Jones | Putnam | Wise |
| Casey | Smith | Roberts-Burke | Ziebarth |
| Chestnut | King | Rodriguez-Chomat | |
| Clemons | Lacasa | Rojas | |

Nays—34

| | | | |
|--------------|----------|-------------|-------------------|
| Bloom | Fischer | Jacobs | Ritchie |
| Bradley | Frankel | Kosmas | Ritter |
| Brennan | Gottlieb | Lippman | Silver |
| Brown | Greene | Mackenzie | Stafford |
| Bullard | Hafner | Meek | Tobin |
| Bush | Healey | Miller | Turnbull |
| Dawson-White | Heyman | Prewitt, D. | Wasserman Schultz |
| Edwards | Hill | Rayson | |
| Effman | Horan | Reddick | |

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:

Yeas—Eggelletion
 Nays—Sindler

So the bill passed and was certified to the Senate.

CS/CS/HB 4383—A bill to be entitled An act relating to school readiness; creating s. 411.09, F.S.; creating the healthy opportunity for school readiness voucher program; providing legislative findings and intent; providing for operation by the Florida Partnership for Children First, Inc.; providing eligibility requirements and program components and funding; providing an effective date.

—was read the third time by title.

REPRESENTATIVE CRADY IN THE CHAIR

THE SPEAKER IN THE CHAIR

Rep. Mackenzie suggested the absence of a quorum. A quorum was present.

The question recurred on the passage of CS/CS/HB 4383. The vote was:

Yeas—63

| | | | |
|-----------|---------|----------|---------|
| The Chair | Andrews | Ball | Bronson |
| Albright | Arnall | Barreiro | Brooks |
| Alexander | Bainter | Bitner | Byrd |

| | | | |
|-------------|-------------|---------------|------------|
| Carlton | Gay | Merchant | Smith |
| Casey | Goode | Minton | Starks |
| Chestnut | Harrington | Morse | Tamargo |
| Clemons | Kelly | Murman | Thrasher |
| Constantine | King | Ogles | Trovillion |
| Crist | Lacasa | Peaden | Valdes |
| Culp | Lawson | Posey | Villalobos |
| Dockery | Littlefield | Pruitt, K. | Wallace |
| Fasano | Livingston | Putnam | Warner |
| Feeney | Logan | Roberts-Burke | Westbrook |
| Flanagan | Lynn | Rojas | Wise |
| Fuller | Maygarden | Sanderson | Ziebarth |
| Garcia | Melvin | Semler | |

Nays—49

| | | | |
|--------------|----------|------------------|-------------------|
| Arnold | Edwards | Lippman | Silver |
| Betancourt | Effman | Mackenzie | Sindler |
| Bloom | Fischer | Mackey | Spratt |
| Boyd | Frankel | Meek | Stabins |
| Brennan | Gottlieb | Miller | Stafford |
| Brown | Greene | Morrone | Sublette |
| Bullard | Hafner | Prewitt, D. | Tobin |
| Burroughs | Healey | Rayson | Turnbull |
| Bush | Heyman | Reddick | Wasserman Schultz |
| Cosgrove | Hill | Ritchie | Wiles |
| Crady | Horan | Ritter | |
| Dawson-White | Jacobs | Rodriguez-Chomat | |
| Dennis | Kosmas | Saunders | |

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggleton, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:

- Yeas—Futch
- Nays—Argenziano, Crow, Eggleton
- Yeas to Nays—Crist

So the bill passed and was certified to the Senate.

CS/HB 4415—A bill to be entitled An act relating to children’s health; amending s. 383.011, F.S.; directing the Agency for Health Care Administration to seek a federal waiver for the Healthy Start program; amending s. 391.011, F.S.; providing a short title; amending s. 391.016, F.S.; providing legislative intent relating to the Children’s Medical Services program; amending s. 391.021, F.S.; providing definitions; creating s. 391.025, F.S.; providing for applicability and scope; amending s. 391.026, F.S.; providing powers and duties of the Department of Health; creating s. 391.028, F.S., and renumbering and amending s. 391.051, F.S.; providing for administration of the program; creating s. 391.029, F.S., and renumbering and amending ss. 391.046 and 391.07, F.S.; providing program eligibility; creating s. 391.031, F.S.; establishing benefits; creating s. 391.035, F.S., and renumbering and amending ss. 391.036 and 391.041, F.S.; establishing provider qualifications; creating s. 391.045, F.S.; providing for provider reimbursement; creating s. 391.047, F.S.; establishing responsibility for payments on behalf of program participants when other parties are liable; creating s. 391.055, F.S.; establishing service delivery systems; creating s. 391.065, F.S.; providing for health care provider agreements; creating s. 391.071, F.S.; providing for quality of care requirements; creating s. 391.081, F.S.; establishing grievance reporting and resolution requirements; creating s. 391.095, F.S.; providing for program integrity; renumbering and amending s. 391.061, F.S.; providing for research and evaluation; renumbering ss. 391.201-391.217, F.S., relating to prescribed pediatric extended care centers; designating said sections as pt. IX of ch. 400, F.S.; amending ss. 391.206 and 391.217, F.S.; conforming cross references; designating ss. 391.221, 391.222, and 391.223, F.S., as pt. II of ch. 391, F.S., entitled “Children’s

Medical Services Councils and Panels”; creating s. 391.221, F.S.; establishing the Statewide Children’s Medical Services Network Advisory Council; creating s. 391.222, F.S.; establishing the Cardiac Advisory Council; creating s. 391.223, F.S.; providing for technical advisory panels; amending ss. 391.301, 391.303, 391.304, 391.305, and 391.307, F.S.; revising provisions relating to developmental evaluation and intervention programs; amending s. 408.701, F.S.; conforming cross references; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating the Florida Children’s Healthy Bodies program; providing legislative findings and intent; providing guiding principles; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; establishing an enrollment ceiling; creating s. 409.8131, F.S.; creating the Medikids program; providing legislative findings and intent; providing that the program is not an entitlement; providing for a marketing plan; providing for application to Medikids of specified sections of ch. 409, F.S., relating to Medicaid; providing for benefits; providing eligibility standards; providing for enrollment; creating s. 409.8134, F.S.; providing for delivery of services and reimbursement of providers in a rural county; creating s. 409.8135, F.S.; providing behavioral health benefits to non-Medicaid-eligible children with serious emotional needs; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing health benefits coverage requirements for the program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for a health insurance pilot project; requiring approval of health benefits coverage as a condition of financial assistance; creating s. 409.8175, F.S.; directing the Agency for Health Care Administration to seek federal approval to establish a family coverage program; providing conditions; creating s. 409.8177, F.S.; providing for program evaluation; requiring annual reports; creating s. 409.818, F.S.; providing for program administration; providing responsibilities for the Department of Children and Family Services, the Department of Health, the Department of Insurance, the Agency for Health Care Administration, and the Florida Healthy Kids Corporation; authorizing program modifications to obtain federal approval of the state’s child health insurance plan; renumbering and amending s. 154.508, F.S., relating to outreach activities; creating s. 409.8195, F.S.; requiring the development of quality assurance and access standards; creating s. 409.821, F.S.; establishing performance measures and standards; providing an enrollment ceiling; amending s. 409.904, F.S.; expanding Medicaid optional eligibility to certain children and providing for continuous eligibility; amending s. 409.9126, F.S.; relating to the provision of Children’s Medical Services network services for children with special health care needs; deleting definitions; deleting standards for referral of certain children to the network; providing for certain provider reimbursement; amending s. 624.91, F.S., relating to the Florida Healthy Kids Corporation; providing legislative intent; specifying that the program is not an entitlement; revising standards; providing additional duties; repealing ss. 391.031, 391.056, and 391.091, F.S., relating to patient care centers, district children’s medical program supervisors, and the Cardiac Advisory Council which was advisory to the Children’s Medical Services Program Office; repealing s. 624.92, F.S., relating to application for a Medicaid waiver for funds to expand the Florida Health Kids Corporation; providing for future repeal and review of s. 409.814(3), F.S., and ss. 409.810-409.821, F.S., relating to the “Florida Children’s Healthy Bodies Act,” on specified dates; providing a contingent effective date.

—was read the third time by title.

On motion by Rep. Albright, the board was opened and the following Members were recorded as cosponsors of the bill, along with the Committees on Health & Human Services Appropriations and Health Care Services and Rep. Albright: Reps. Alexander, Andrews, Argenziano, Arnall, Arnold, Bainter, Ball, Barreiro, Bitner, Bloom, Boyd, Bronson, Brooks, Bullard, Burroughs, Bush, Byrd, Carlton, Casey, Chestnut, Clemons, Constantine, Cosgrove, Culp, Dockery, Edwards, Fasano, Feeney, Flanagan, Frankel, Fuller, Futch, Garcia, Gay, Goode, Harrington, Healey, Heyman, Jacobs, Jones, Kelly, King, Kosmas, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Maygarden, Meek, Melvin, Merchant, Minton, Morrone, Morse,

Murman, Ogles, Peaden, D. Prewitt, K. Pruitt, Putnam, Roberts-Burke, Rodriguez-Chomat, Rojas, Sanderson, Saunders, Sembler, Sindler, Smith, Starks, Tamargo, Thrasher, Trovillion, Turnbull, Valdes, Villalobos, Wallace, Warner, Webster, Wise, and Ziebarth.

The question recurred on the passage of CS/HB 4415. The vote was:

Yeas—98

| | | | |
|------------|--------------|---------------|-------------------|
| The Chair | Constantine | Jones | Rodriguez-Chomat |
| Albright | Cosgrove | Kelly | Rojas |
| Alexander | Crady | King | Sanderson |
| Andrews | Crist | Kosmas | Saunders |
| Argenziano | Culp | Lacasa | Sembler |
| Arnall | Dawson-White | Lawson | Sindler |
| Arnold | Dennis | Littlefield | Smith |
| Bainter | Dockery | Livingston | Spratt |
| Ball | Edwards | Logan | Stabins |
| Barreiro | Fasano | Lynn | Stafford |
| Bitner | Feeney | Mackey | Starks |
| Bloom | Fischer | Maygarden | Tamargo |
| Boyd | Flanagan | Melvin | Thrasher |
| Brennan | Frankel | Merchant | Trovillion |
| Bronson | Fuller | Minton | Turnbull |
| Brooks | Futch | Morrone | Valdes |
| Brown | Garcia | Morse | Villalobos |
| Bullard | Gay | Murman | Wallace |
| Burroughs | Goode | Ogles | Warner |
| Bush | Gottlieb | Peaden | Wasserman Schultz |
| Byrd | Hafner | Posey | Westbrook |
| Carlton | Harrington | Prewitt, D. | Wiles |
| Casey | Healey | Pruitt, K. | Ziebarth |
| Chestnut | Heyman | Putnam | |
| Clemons | Horan | Roberts-Burke | |

Nays—13

| | | | |
|------------|-----------|---------|--------|
| Betancourt | Lippman | Rayson | Ritter |
| Effman | Mackenzie | Reddick | Silver |
| Hill | Miller | Ritchie | Tobin |
| Jacobs | | | |

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelation, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:

Yeas—Crow, Eggelation, Greene

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

HB 3077—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; limiting certain fees; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

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

Yeas—112

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|------------|------------|-------------|--------------|
| The Chair | Barreiro | Bullard | Cosgrove |
| Albright | Betancourt | Burroughs | Crady |
| Alexander | Bitner | Bush | Crist |
| Andrews | Bloom | Byrd | Crow |
| Argenziano | Boyd | Carlton | Culp |
| Arnall | Brennan | Casey | Dawson-White |
| Arnold | Bronson | Chestnut | Dennis |
| Bainter | Brooks | Clemons | Dockery |
| Ball | Brown | Constantine | Edwards |

| | | | |
|------------|-------------|------------------|-------------------|
| Effman | Jones | Morrone | Sindler |
| Fasano | Kelly | Morse | Smith |
| Feeney | King | Murman | Spratt |
| Fischer | Kosmas | Ogles | Stabins |
| Flanagan | Lacasa | Peaden | Stafford |
| Fuller | Lawson | Posey | Starks |
| Futch | Lippman | Prewitt, D. | Tamargo |
| Garcia | Littlefield | Pruitt, K. | Thrasher |
| Gay | Livingston | Putnam | Tobin |
| Goode | Logan | Rayson | Trovillion |
| Gottlieb | Lynn | Reddick | Turnbull |
| Greene | Mackenzie | Ritchie | Valdes |
| Hafner | Mackey | Ritter | Villalobos |
| Harrington | Maygarden | Roberts-Burke | Wallace |
| Healey | Meek | Rodriguez-Chomat | Warner |
| Heyman | Melvin | Rojas | Wasserman Schultz |
| Hill | Merchant | Sanderson | Westbrook |
| Horan | Miller | Saunders | Wiles |
| Jacobs | Minton | Sembler | Ziebarth |

Nays—2

| | |
|---------|--------|
| Frankel | Silver |
|---------|--------|

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelation, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

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

Ceremonial Resolutions Calendar

HR 9351—A resolution expressing gratitude and affection to all mothers.

WHEREAS, Sunday, May 10, 1998, has been designated Mother's Day, and

WHEREAS, the highest ideals and noblest principles of humanity find their most exemplary expression in the sacrifice and devotion of mothers, and

WHEREAS, it is proper that the members and staff of the Florida House of Representatives recognize the immeasurable debt of gratitude owed to all mothers for their strength, guidance, understanding, and love, NOW, THEREFORE,

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

That the members of the House of Representatives do hereby express to their own mothers and to all mothers, on behalf of the citizens of the State of Florida, personal affection and heartfelt gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the House of Representatives as a tangible token of the love and respect that the members hold for all mothers.

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

On motion by Rep. Logan, the board was opened and the following Members were recorded as cosponsors of the resolution, along with Rep. Logan: Reps. Albright, Alexander, Andrews, Argenziano, Arnall, Arnold, Bainter, Ball, Barreiro, Betancourt, Bitner, Bloom, Boyd, Bronson, Brooks, Brown, Bullard, Burroughs, Bush, Byrd, Carlton, Casey, Chestnut, Clemons, Constantine, Cosgrove, Crady, Crist, Crow, Culp, Dawson-White, Dennis, Dockery, Edwards, Effman, Fasano, Feeney, Fischer, Flanagan, Frankel, Fuller, Futch, Garcia, Gay, Goode, Gottlieb, Hafner, Harrington, Heyman, Hill, Horan, Jacobs, Jones, Kelly, King, Kosmas, Lacasa, Lawson, Lippman, Littlefield, Livingston, Lynn, Mackenzie, Mackey, Maygarden, Meek, Melvin, Merchant, Miller, Minton, Morrone, Morse, Murman, Ogles, Peaden, Posey,

D. Prewitt, K. Pruitt, Putnam, Ritchie, Ritter, Roberts-Burke, Rodriguez-Chomat, Rojas, Sanderson, Saunders, Sembler, Silver, Sindler, Smith, Spratt, Stabins, Stafford, Starks, Tamargo, Thrasher, Tobin, Trovillion, Turnbull, Valdes, Villalobos, Wallace, Warner, Wasserman Schultz, Webster, Westbrook, Wiles, Wise, and Ziebarth.

HR 9353—A resolution expressing affection for and gratitude to all fathers.

WHEREAS, Sunday, June 21, 1998, has been designated as Father's Day in the United States, and

WHEREAS, the greatest education in honesty, decency, integrity, industry, and fidelity is to see these qualities embodied in the life and works of a parent, and

WHEREAS, the American tradition of a productive society and a secure home depends in great part on the hard work and sacrifice of fathers who tirelessly seek for their children a better life and greater opportunity than they knew, and

WHEREAS, fulfilling the demanding roles of fatherhood, as provider, teacher, role model, comforter, and protector, is an act of true heroism in today's world, and

WHEREAS, each new generation looks to its fathers for courage, strength, and understanding, and

WHEREAS, the enduring affection between a father and his family is recognized and appreciated as one of the most positive elements upon which our future as a nation depends, and

WHEREAS, it is fitting and appropriate that the members and staff of the House of Representatives recognize the immeasurable debt of gratitude owed to fathers for their strength, guidance, understanding, and love, NOW, THEREFORE,

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

That the members of the House of Representatives do hereby express to their own fathers and to all fathers, on behalf of the citizens of the State of Florida, deep personal affection and abiding gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the House of Representatives as a tangible token of the love and respect that the members hold for all fathers.

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

On motion by Rep. Logan, the board was opened and the following Members were recorded as cosponsors of the resolution, along with Rep. Logan: Reps. Albright, Alexander, Andrews, Argenziano, Arnall, Arnold, Bainter, Ball, Barreiro, Betancourt, Bitner, Bloom, Boyd, Brennan, Bronson, Brooks, Brown, Bullard, Burroughs, Bush, Byrd, Carlton, Casey, Chestnut, Clemons, Constantine, Cosgrove, Crady, Crist, Crow, Culp, Dawson-White, Dennis, Edwards, Effman, Fasano, Feeny, Fischer, Flanagan, Frankel, Fuller, Futch, Garcia, Gay, Goode, Gottlieb, Hafner, Harrington, Healey, Heyman, Hill, Horan, Jacobs, Jones, King, Kosmas, Lacasa, Lawson, Lippman, Littlefield, Livingston, Lynn, Mackenzie, Mackey, Maygarden, Meek, Melvin, Miller, Minton, Morroni, Morse, Murman, Ogles, Peaden, Posey, D. Prewitt, K. Pruitt, Putnam, Rayson, Ritchie, Ritter, Roberts-Burke, Rodriguez-Chomat, Rojas, Sanderson, Saunders, Sembler, Silver, Sindler, Smith, Spratt, Stabins, Stafford, Starks, Tamargo, Thrasher, Tobin, Trovillion, Turnbull, Valdes, Villalobos, Wallace, Warner, Wasserman Schultz, Webster, Westbrook, Wiles, Wise, and Ziebarth.

HR 9415—A resolution congratulating the Martin County High School Lady Tigers softball team for winning the 1997 state championship.

WHEREAS, the Martin County High School Lady Tigers softball team accomplished what no other public high school softball team in Martin County has done, and

WHEREAS, Martin County won the 1997 Class 5A state championship in softball by defeating Inverness-Citrus 1-0 for the Class 5A state title, the title capped the most successful girls' sports year in school history, and

WHEREAS, this year's Lady Tigers varsity softball team averaged more than seven runs per game, but that was below Martin County's 8-2 clip in 1994, the first year of their fast pitch program, and

WHEREAS, Martin County finished 32-1, with the best record in the state regardless of their classification, the Lady Tigers outscored their opponents in seven of their playoff games, beating five top-10 teams, and

WHEREAS, Coach Lori Miller, who has been coaching for 12 years, attributes the team's first softball state championship to discipline, hard work, and organization, and

WHEREAS, the members of the Martin County High School Lady Tigers softball team, their coaches, and their cheerleaders are to be commended for this great accomplishment and stellar example of dedication, discipline, and teamwork, NOW, THEREFORE,

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

That the Florida House of Representatives hereby commends the Martin County High School Lady Tigers softball team for winning the 1997 Class 5A state championship, and applauds the outstanding efforts of the team's members, coaches, and cheerleaders in making such a superlative season possible.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the coach of Martin County High School as a tangible token of the sentiments expressed herein.

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

HR 9401—A resolution honoring Delta Sigma Theta Sorority for its accomplishments and commitment to public service.

WHEREAS, Delta Sigma Theta Sorority, Incorporated, is a public service organization founded in 1913 by 22 women at Howard University in Washington, D.C., and

WHEREAS, Delta Sigma Theta Sorority, nationwide, comprises over 890 chapters and more than 190,000 members and has shown exemplary leadership and dedication to public service for 84 years, and

WHEREAS, one of Delta's founding members, Winona Cargile Alexander, resided in Jacksonville, Florida, until her death, and Florida is most proud of its distinguished sorors in the Florida Legislature, as well as its 41 collegiate and alumnae chapters representing the national body, and

WHEREAS, Delta Sigma Theta Sorority forged a partnership with Habitat for Humanity and undertook and successfully completed an ambitious challenge to build 22 homes across the nation in two years, fifteen of which were built in two weeks, including one home in Miami, Florida, NOW, THEREFORE,

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

That the House of Representatives joins the nation in recognizing the accomplishments of Delta Sigma Theta Sorority and its strong commitment to public service nationally and internationally.

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

HR 9421—A resolution commending United Space Alliance and Michael McCulley for their contributions to the United States Space Program and to the people of the State of Florida.

WHEREAS, United Space Alliance (USA), a joint venture between Boeing and Lockheed Martin, was created as a response to NASA's need to consolidate its growing number of Space Shuttle contracts under a single prime contractor, and

WHEREAS, in a precedent-setting agreement with NASA, in October 1996 USA became the prime contractor for Space Shuttle operations, with responsibility for preflight processing, mission operations, and astronaut training, and

WHEREAS, in its Ground Operations division, which has flourished under the leadership of former astronaut Michael McCulley, USA employs more than 6,000 highly qualified professionals at the Kennedy Space Center who are responsible for shuttle modification, testing, and checkout operations, ocean retrieval of solid rocket boosters, and the manufacture, repair, and procurement of shuttle hardware and ground-support equipment, and

WHEREAS, in this historic partnership with NASA, USA is dedicated to providing more cost-effective operations for the Space Shuttle program, resulting in savings to the United States Government of more than \$400 million, while maintaining the most demanding standards for safety and mission success, and

WHEREAS, the State of Florida is proud to provide a home at the Kennedy Space Center for this major component of United Space Alliance operations, NOW, THEREFORE,

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

That the House of Representatives of the State of Florida hereby commends United Space Alliance and Michael McCulley for their outstanding contributions to the United States Space Program and to the people of the State of Florida.

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

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

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

Messages from the Senate

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 930 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senator Campbell—

CS for SB 930—A bill to be entitled An act relating to notification of an escaped prisoner; amending s. 960.001, F.S.; requiring that a state correctional facility, private correctional facility, county jail, juvenile detention facility, or residential commitment facility immediately notify the judge who sentenced an escaped offender; requiring the institution or facility of confinement to immediately notify the state attorney and sentencing judge upon the capture and return of the escaped offender; providing an effective date.

—was read the first time by title and placed in the Justice Council.

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 874, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Rules and Calendar and Senator McKay and others—

CS for SB 874—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; specifying certain rights of jurors; authorizing discussions among jurors; authorizing jurors to take notes; authorizing certain information to be provided to jurors; authorizing jurors to submit written questions to the court and to witnesses; amending s.

44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; requiring the completion of mediation before trial is set in certain civil actions; providing conditions for mediation; creating s. 47.025, F.S.; specifying where certain lien actions may be brought against resident contractors, subcontractors, and sub-subcontractors; amending s. 57.105, F.S.; revising conditions under which attorney's fees may be imposed against a party and the party's attorney for presenting unsupported claims or defenses; entitling an opposing party to strike certain claims or defenses raised by a party who has been sanctioned in a specified number of actions within a specified period for presenting unsupported claims or defenses; authorizing the court to impose additional sanctions or requirements; authorizing damage awards against a party who takes specified actions for the purpose of delay; amending s. 90.803, F.S.; revising the requirements under which former testimony may be allowed at trial as an exception to the prohibition against hearsay evidence; amending s. 95.031, F.S.; limiting the period during which an action may be brought for product liability; providing for application; amending s. 400.023, F.S., relating to actions brought on behalf of nursing home residents; providing that a party to any such action may not recover attorney's fees unless the parties submit to mediation; specifying requirements for such mediation; providing for application; providing a standard for any award of punitive damages; amending s. 768.075, F.S.; decreasing blood-alcohol level; changing standard of conduct from willful and wanton misconduct to intentional misconduct; providing an exemption from liability to trespassers; providing conditions and limitations on exemption; providing definitions; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee if the employer conducts a preemployment background investigation; prescribing the elements of such background investigation; specifying that electing not to complete the background investigation does not constitute a failure to use reasonable care in hiring an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.098, F.S.; providing that a business owner or operator is immune from liability under certain circumstances for an intentional tort by a third party against an invitee; providing standards; providing exceptions; creating s. 768.099, F.S.; limiting liability of motor vehicle owners and rental companies to specific amounts without a showing of negligence or intentional misconduct; providing exceptions; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if the plaintiff was more than a specified percentage at fault due to the influence of an alcoholic beverage or drugs; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.73, F.S.; requiring certain findings for, and providing for reduction of, subsequent punitive damage awards under specified circumstances; requiring that a specified percentage of an award for punitive damages be paid to the state; requiring the Department of Banking and Finance to collect the payments of such awards; providing for attorney's fees for the claimant to be based on the entire award of punitive damages; creating s. 768.735, F.S.; providing that ss. 768.72, 768.725, 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; creating s. 768.736, F.S.; providing that ss. 768.725, 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; creating s. 768.781, F.S.; providing for terms in certain contracts for an attorney's services; requiring that notice be sent to each allegedly responsible party; providing requirements for a presuit response and settlement offer; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; requiring a defendant to plead that a nonparty is at fault within a certain time; requiring that the defendant must prove the nonparty has some fault; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring physicians and osteopathic physicians to obtain and maintain a specified amount of professional liability coverage as a condition of hospital staff privileges; providing legislative findings and intent with respect to the regulation of legal advertising; creating s. 877.023, F.S.; regulating the content of advertisements for

legal services; providing a penalty; specifying that the provisions do not abrogate certain other laws, codes, ordinances, rules, or penalties; requiring the clerk of court to report certain information on negligence cases to the Office of the State Court Administrator; requiring that the Department of Insurance contract for an actuarial analysis of any reduction in judgments or costs resulting from the provisions of the act; requiring a report; requiring insurers to make certain rate filings; providing for severability; providing an effective date.

—was read the first time by title. On motion by Rep. Warner, the rules were suspended and the bill was read the second time by title.

Representative(s) Warner offered the following:

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

Section 1. Subsection (2) of section 95.031, Florida Statutes, is amended to read:

95.031 Computation of time.—Except as provided in subsection (2) and in s. 95.051 and elsewhere in these statutes, the time within which an action shall be begun under any statute of limitations runs from the time the cause of action accrues.

(2) Actions for products liability and fraud under s. 95.11(3) must be begun within the period prescribed in this chapter, with the period running from the time the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, instead of running from any date prescribed elsewhere in s. 95.11(3), but *in no event may an action for product liability or fraud under s. 95.11(3) be commenced unless the complaint is served and filed within 12 years after the date of delivery of the product to its first purchaser or lessee who was not engaged in the business of selling or leasing the product or of using the product as a component in the manufacture of another product or any event an action for fraud under s. 95.11(3) must be begun within 12 years after the date of the commission of the alleged fraud, regardless of the date the defect in the product or the fraud was or should have been discovered. However, the 12-year limitation on filing an action for products liability does not apply if the manufacturer knew of a defect in the product and concealed or attempted to conceal this defect. In addition, the 12-year limitation does not apply if the claimant was exposed to or used the product within the 12-year period, but an injury caused by such exposure or use did not manifest itself until after the 12-year period. Furthermore, the 12-year statute of repose specified herein shall not apply to any aircraft other than general aviation aircraft as defined in Title 49, Section 40101, United States Code, and, in the case of such aircraft to which the federal law does not apply, the period of repose under this section will be 18 years.*

Section 2. Section 768.1256, Florida Statutes, is created to read:

768.1256 Government rules defense.—

(1) *In a product liability action brought against a manufacturer or seller for harm allegedly caused by a product, the jury shall be instructed that there is a rebuttable presumption that the manufacturer or seller is not liable if, at the time the specific unit of the product was sold or delivered to the initial purchaser or user, the aspect of the product that allegedly caused the harm was in compliance with standards relevant to the event causing the death or injury set forth in a federal or state statute or was approved by, or was in compliance with regulations or standards relevant to the event causing the death or injury promulgated by, a federal or state agency responsible for reviewing the safety of the product. Noncompliance with a standard relevant to the event causing the death or injury set forth in a federal or state statute or lack of approval by, or noncompliance with regulations or standards relevant to the event causing the death or injury promulgated by, a federal or state agency does not raise a presumption of negligence on the part of a manufacturer or seller. Evidence of compliance or noncompliance with a regulation or standard not relevant to the event causing the death or injury is not admissible.*

(2) *In a product liability action against a manufacturer or seller, a defendant may raise an affirmative defense that a product that is a drug is not defective or unreasonably dangerous, if the drug was approved for safety and efficacy by the United States Food and Drug Administration and the drug and its labeling were in compliance with the United States Food and Drug Administration's approval at the time the drug left the control of the manufacturer or seller. However, this subsection does not apply to a drug that is sold in the United States after the effective date of an order of the United States Food and Drug Administration to remove the drug from the market or to withdraw its approval. This subsection does not apply if the defendant at any time before the event that allegedly caused the injury does any of the following:*

(a) *Intentionally withholds from or misrepresents to the United States Food and Drug Administration information concerning the drug that is required to be submitted under the Federal Food, Drug and Cosmetic Act, chapter 675, 52 Stat. 1040, 21 U.S.C. ss. 301 to 321, 331 to 343-2, 344 to 346a, 347, 348 to 353, 355 to 360, 360b to 376, and 378 to 395, and the drug would not have been approved, or the United States Food and Drug Administration would have withdrawn approval for, the drug if the information had been accurately submitted; or*

(b) *Makes an illegal payment to an official or employee of the United States Food and Drug Administration for the purpose of securing or maintaining approval of the drug.*

Section 3. *Any action that would not have been barred under s. 95.031(2), Florida Statutes, prior to the amendments to that section by this act may be commenced before June 1, 1999, and, if it is not commenced by that date, and is barred by the amendments to s. 95.031(2), Florida Statutes, by this act, shall be barred.*

Section 4. Subsections (6), (7), and (8) are added to section 400.023, Florida Statutes, to read:

400.023 Civil enforcement.—

(6) *To recover attorneys' fees under this section the following conditions precedent must be met:*

(a) *Within 120 days of the filing of a responsive pleading or defensive motion to a complaint brought pursuant to this section, and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with paragraph (a) for the purpose of early resolution of the matter.*

1. *The parties shall within 60 days of the filing of the responsive pleading or defensive motion:*

a. *Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the Court, which shall appoint a mediator within 10 days of such notice.*

b. *Set a date for mediation.*

c. *Prepare an order for the Court identifying the mediator, the scheduled date of the mediation and other terms of the mediation. Absent any disagreement between the parties, the Court may issue the order for the mediation submitted by the parties without hearing.*

2. *The mediation must be concluded within 120 days of the filing of responsive pleading or defensive motion. This date may be extended only by agreement of all parties subject to mediation under this subsection.*

3. *The mediation shall be conducted in the following manner:*

a. *Each party shall have present at the mediation all persons necessary to have complete settlement authority.*

b. *All parties shall mediate in good faith.*

4. *All aspects of the mediation not specifically established by this subsection shall be conducted according to the rules of practice and procedure adopted by the Supreme Court of Florida.*

(b) *If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report stating the amount of the offer, the date it was made in writing and the date it was rejected. If the matter*

subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages exclusive of attorneys' fees equal to or less than the last offer made by the defendant at mediation, then the plaintiff shall not be entitled to recover any attorneys' fees.

(c) This subsection shall apply only to claims for liability and damages and shall not apply to an action for injunctive relief.

(d) This subsection shall apply to all causes of action accruing after July 1, 1998.

(7) Discovery of financial information for the purposes of determining the value of punitive damages may not be had unless the plaintiff shows the Court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(8) Any award of punitive damages must be reasonable in light of the harm suffered by the resident and the egregiousness of the conduct causing the harm.

Section 5. Section 768.72, Florida Statutes, is amended to read:

768.72 Pleading in civil actions; claim for punitive damages.—

(1) In any civil action, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence.

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent, only if the conduct of the employee or agent meets the criteria specified in subsection (2), and if:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct; or

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity knowingly condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct which constituted gross negligence and which contributed to the loss, damages, or injury suffered by the claimant.

(4) The provisions of this section are remedial in nature and shall be applied to all civil actions pending on the effective date of this act in which the trial or retrial of the action has not commenced.

(5) The provisions of this section shall not apply with regard to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or arising under chapter 400.

Section 6. Section 768.73, Florida Statutes, is amended to read:

768.73 Punitive damages; limitation.—

(1)(a) In any civil action in which the judgment for compensatory damages is for \$50,000 or less, judgment for punitive damages awarded to a claimant may not exceed \$250,000, except as provided in paragraph (b). In any civil action in which the judgment for compensatory damages exceeds \$50,000, the judgment for punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages or \$250,000, whichever is higher, except as provided in paragraph (b) based on negligence, strict liability, products liability, misconduct in commercial transactions, professional liability, or breach of warranty, and involving willful, wanton, or gross misconduct, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). However, this subsection does not apply to any class action.

(b) No award for punitive damages may exceed the limitations if any award for punitive damages exceeds the limitation specified in paragraph (a), the award is presumed to be excessive and the defendant is entitled to remittitur of the amount in excess of the limitation unless the claimant demonstrates to the court by clear and convincing evidence that the defendant engaged in intentional misconduct and that the award is not excessive in light of the facts and circumstances which were presented to the trier of fact.

(c) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(2)(a) If any defendant in any civil action determines that it has been or may be subject to repetitive claims for punitive damages arising out of the same act or course of conduct, the defendant may move the court for a full determination of the defendant's punitive damage liability for all consequences of the act or course of conduct. Under such circumstances, the issue of liability for punitive damages shall be tried separately from the issue of liability for compensatory damages. Evidence relating to whether punitive damages should be awarded and, if so, in what amount, shall not be admissible until the trier of fact has determined the amount of compensatory damages. The same trier of fact that tried the issues relating to compensatory damages shall try the issues relating to punitive damages. In the phase of the trial concerning punitive damages, if the trier of fact finds that punitive damages are warranted, the trier of fact should consider the national scope, if any, of the misconduct, the degree of wrongfulness and duration of any misconduct, the scope and severity of damages, the financial resources of the defendant, the number of persons harmed, the efforts made by defendant to eliminate or reduce the effects of the misconduct, as well as all other measures taken by the defendant to mitigate the misconduct and damages caused thereby. The court shall reduce any award of punitive damages by the amount of any previous punitive damages awards imposed against the defendant which arose out of the same act or course of conduct.

(b) As soon as practicable after the defendant moves for a consolidated punitive damages trial, or within a time frame set by the court, the defendant shall make reasonable efforts to compile a list of current and potential claimants who will share any punitive award. The defendant shall make reasonable efforts to identify and notify any persons or entities that have been impacted by the act or course of conduct under consideration in the punitive damages phase of the trial. Any punitive damages awarded during a trial under this subsection will, to the extent practicable, be equally distributed among current and potential claimants, in a manner to be decided by the trial court. Once a defendant's liability for repetitive punitive damages has been determined under this subsection, no further punitive damages can be awarded in connection with the act or course of conduct covered in this trial.

(c) In a consolidated punitive damages trial, the claimants' aggregate attorney fee in regard to punitive damages shall be limited to 15 percent of the overall punitive damages award.

(3) If punitive damages have been awarded against a defendant three or more times before the effective date of this act in any state or federal court in actions alleging harm from the same act or course of conduct for which a claimant subsequently seeks compensatory damages, the court

may conduct a hearing prior to trial to determine whether the previous awards are sufficient to address all consequences of the act or course of conduct. In making such determination the court shall consider the factors set forth in paragraph (2)(a) as well as whether any previous trier of fact considered the full scope of wrongful conduct and resulting harm. If the court determines that the previous awards are sufficient the punitive damage claim shall not be allowed.

(4) The provisions of this section are remedial in nature and shall be applied to all civil actions pending on the effective date of this act in which the trial or retrial of the action has not commenced.

(5)(2) The jury may neither be instructed nor informed as to the provisions of this section.

(6) The provisions of this section shall not apply with regard to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or arising under chapter 400.

Section 7. Section 768.0705, Florida Statutes, is created to read:

768.0705 *Limitation on premises liability.*—

(1) If at least six of the following eight provisions of this section are met, there shall be a presumption that a person or organization owning or controlling an interest in commercial real property, other than a convenience store, has fulfilled any duty to provide adequate security for invitees, guests, and other members of the public, against criminal acts which occur in common areas, parking areas, and on portions of the premises not occupied by buildings or structures and which are committed by third parties who are not employees or agents of the person or organization owning or controlling the interest in commercial real property.

(a) Signs shall be prominently posted in the parking area and other public access points on the premises indicating the hours of normal business operations and the general security measures provided.

(b) The parking area, public walkways, public building entrances and exits, shall be illuminated at an intensity of at least 2 foot-candles per square foot at 18 inches above the surface of the ground, pavement, or walkway.

(c) Crime prevention training, with a curriculum approved by the local law enforcement agency or the Department of Legal Affairs, shall be provided to all nonmanagement on-site employees. To meet the requirements of this paragraph, existing employees shall receive training within 12 months of the effective date of this section and new employees shall receive training within 120 days of hiring. No person shall be liable for ordinary negligence due to implementing the approved curriculum so long as the training was actually provided. Under no circumstances shall the state or the local law enforcement agency be held liable for the contents of the approved curriculum.

(d) Security cameras shall be installed and maintained, and shall be monitored or recorded, covering public entrances and exits to buildings and at least half the parking lot. Cameras shall operate during business hours and for at least 30 minutes after closing.

(e) An emergency call box, or an alarm system linked to law enforcement, a private security agency, or a security guard or other agent on the premises, shall be maintained and available within 150 feet of any location in the parking lot or other public place on the premises.

(f) A licensed security guard or law enforcement officer is on duty at the time of the criminal occurrence and is either monitoring surveillance cameras or patrolling the premises with such frequency that the parking area and common areas are observed by the guard at no more than 15 minute intervals.

(g) Perimeter fencing shall be installed and maintained, which surrounds parking areas and structures, and which directs pedestrian entry onto the premises.

(h) Landscaping shall be maintained so as to provide no hiding place or obstruct the view of security personnel or cameras.

(2) The owner or operator of a convenience business, that substantially implements the applicable security measures listed in ss.

812.173 and 812.174 shall gain a presumption against liability in connection with criminal acts which occur on the premises and which are committed by third parties who are not employees or agents of the owner or operator of the convenience business.

(3) Failure to implement a sufficient number of the measures listed in subsection (1) or subsection (2) shall not create a presumption of liability.

Section 8. Section 768.075, Florida Statutes, is amended to read:

768.075 Immunity from liability for injury to trespassers on real property; definitions; duty to trespassers.—

(1) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for any civil damages for death of or injury or damage to a trespasser upon the property resulting from or arising by reason of the trespasser's commission of the offense of trespass as described in s. ~~810.08~~ or s. ~~810.09~~, when such trespasser was under the influence of alcoholic beverages with a blood-alcohol level of 0.08 ~~0.10~~ percent or higher, when such trespasser was under the influence of any chemical substance set forth in s. 877.111, when such trespasser was illegally under the influence of any substance controlled under chapter 893, or if the trespasser is affected by any of the aforesaid substances to the extent that her or his normal faculties are impaired. For the purposes of this section, voluntary intoxication or impeding of faculties by use of alcohol or any of the aforementioned substances shall not excuse a party bringing an action or on whose behalf an action is brought from proving the elements of trespass as described in paragraph (3)(a). However, the person or organization owning or controlling the interest in real property shall not be immune from liability if gross negligence or intentional willful and wanton misconduct on the part of such person or organization or agent thereof is a proximate cause of the death of or injury or damage to the trespasser.

(2) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for any civil damages for death of or injury or damage to any discovered or undiscovered trespasser, except as provided in paragraphs (3)(a), (b), and (c), and regardless of whether the trespasser was intoxicated or otherwise impaired.

(3)(a) As used in this subsection:

1. "Implied invitation" means that the visitor entering the premises has an objectively reasonable belief that he or she has been invited or is otherwise welcome on that portion of the real property where injury occurs.

2. "Discovered trespasser" means a person who enters real property without invitation, either express or implied, and whose actual physical presence was detected within 24 hours preceding the accident, by the person or organization owning or controlling an interest in real property, or to whose actual physical presence the person or organization owning or controlling an interest in real property was alerted by a reliable source within 24 hours preceding the accident. The status of a person who enters real property shall not be elevated to that of an invitee, unless the person or organization owning or controlling an interest in real property has issued an express invitation to enter the property or has manifested a clear intent to hold the property open to use by persons pursuing purposes such as those pursued by the person whose status is at issue.

3. "Undiscovered trespasser" means a person who enters property without invitation, either express or implied, and whose actual physical presence was not detected within 24 hours preceding the accident, by the person or organization owning or controlling an interest in real property.

(b) To avoid liability to undiscovered trespassers, a person or organization owning or controlling an interest in real property must refrain from intentional misconduct, but has no duty to warn of dangerous conditions. To avoid liability to discovered trespassers, a person or organization owning or controlling an interest in real property must refrain from gross negligence or intentional misconduct, and must warn the trespasser of dangerous conditions, known to the person or organization owning or controlling an interest in real property, but which are not readily observable by others.

(c) *This subsection shall not be interpreted or construed to alter the common law as it pertains to the attractive nuisance doctrine.*

Section 9. Paragraph (b) of subsection (9) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(9) OWNER; OWNER/LESSOR.—

(b) Owner/lessor.—Notwithstanding any other provision of the Florida Statutes or existing case law.:

1. The lessor, under an agreement to lease a motor vehicle for 1 year or longer which requires the lessee to obtain insurance acceptable to the lessor which contains limits not less than \$100,000/\$300,000 bodily injury liability and \$50,000 property damage liability or not less than \$500,000 combined property damage liability and bodily injury liability, shall not be deemed the owner of said motor vehicle for the purpose of determining financial responsibility for the operation of said motor vehicle or for the acts of the operator in connection therewith; further, this ~~subparagraph~~ paragraph shall be applicable so long as the insurance meeting these requirements is in effect. The insurance meeting such requirements may be obtained by the lessor or lessee, provided, if such insurance is obtained by the lessor, the combined coverage for bodily injury liability and property damage liability shall contain limits of not less than \$1 million and may be provided by a lessor's blanket policy.

2. *The lessor, under an agreement to rent or lease a motor vehicle for a period of less than 1 year, shall be deemed the owner of the motor vehicle for the purpose of determining liability for the operation of said vehicle or the acts of the operator in connection therewith only up to \$100,000 per person and up to \$300,000 per incident for bodily injury and up to \$50,000 for property damage. In the event the lessee or the operator of the motor vehicle is uninsured or has any insurance with limits less than \$500,000 combined property damage and bodily injury liability, the lessor shall be liable for up to an additional \$500,000 in economic damages only arising out of the use of the motor vehicle. The additional specified liability of the lessor for economic damages shall be reduced by amounts actually recovered from the lessee, the operator, and from any insurance or self insurance covering the lessee or operator. Nothing in this paragraph shall be construed to affect the liability of the lessor for its own negligence.*

Section 10. Subsections (1) and (2) of section 768.76, Florida Statutes, is amended to read:

768.76 Collateral sources of indemnity.—

(1) In any action to which this part applies in which liability is admitted or is determined by the trier of fact and in which damages are awarded to compensate the claimant for losses sustained, the court shall reduce the amount of such award by the total of all amounts which have been paid for the benefit of the claimant, or which are otherwise available to the claimant, from all collateral sources; however, *except in the case of compensation received or payable under workers' compensation*, there shall be no reduction for collateral sources for which a subrogation or reimbursement right exists. Such reduction shall be offset to the extent of any amount which has been paid, contributed, or forfeited by, or on behalf of, the claimant or members of the claimant's immediate family to secure her or his right to any collateral source benefit which the claimant is receiving as a result of her or his injury.

(2) For purposes of this section:

(a) "Collateral sources" means any payments made to the claimant, or made on the claimant's behalf, by or pursuant to:

1. The United States Social Security Act, except Title XVIII and Title XIX; any federal, state, or local income disability act; or any other public programs providing medical expenses, disability payments, or other similar benefits, except those prohibited by federal law and those expressly excluded by law as collateral sources.

2. Any health, sickness, or income disability insurance; automobile accident insurance that provides health benefits or income disability coverage; and any other similar insurance benefits, except life insurance benefits available to the claimant, whether purchased by her or him or provided by others.

3. Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental, or other health care services.

4. Any contractual or voluntary wage continuation plan provided by employers or by any other system intended to provide wages during a period of disability.

5. *Any compensation received or payable under worker's compensation as defined in s. 440.02(6).*

(b) Notwithstanding any other provision of this section, benefits received under Medicare, or any other federal program providing for a Federal Government lien on or right of reimbursement from the plaintiff's recovery, ~~the Workers' Compensation Law~~, the Medicaid program of Title XIX of the Social Security Act or from any medical services program administered by the Department of Health and Rehabilitative Services shall not be considered a collateral source.

Section 11. Subsection (5) of section 768.81, Florida Statutes, is amended, present subsection (6) is renumbered as subsection (7) and a new subsection (6) is added to said section to read:

768.81 Comparative fault.—

(5) *WORKER'S COMPENSATION.—For the purposes of this section, an employer as defined in s. 440.02(14), participating in a worker's compensation eligibility program, shall not be considered a party in a negligence action and shall not be listed as a tortfeasor on the jury verdict form with respect to accidents arising out of work performed in the course and scope of employment, as described in s. 440.09. Any payments made by an employer covered by worker's compensation shall be considered collateral sources as provided in s. 768.76.* ~~APPLICABILITY OF JOINT AND SEVERAL LIABILITY.—Notwithstanding the provisions of this section, the doctrine of joint and several liability applies to all actions in which the total amount of damages does not exceed \$25,000.~~

(6) *APPLICABILITY OF JOINT AND SEVERAL LIABILITY.—Notwithstanding the provisions of this section, the doctrine of joint and several liability shall not apply to that portion of economic damages in excess of \$250,000.*

Section 12. *Expedited trials.—Upon the motion of any party to a simplified civil proceeding or upon the joint stipulation of the parties to any civil case, the court may conduct an expedited trial as provided herein. A simplified civil proceeding is a case involving only two parties, no more than two counts to the complaint or counter claim, and where the court finds there would be no prejudice to any party in conducting an expedited trial. Where two or more plaintiffs or defendants have a unity interest, such as a husband and wife, they shall be considered one party for the purpose of this section. Unless otherwise ordered by the court or agreed to by the parties with approval of the court, an expedited trial shall be conducted as follows:*

(1) *All discovery in the trial shall be completed within 60 days.*

(2) *All interrogatories and requests for production will be served within 10 days and all responses will be served within 20 days of receipt.*

(3) *The court shall determine the number of depositions required.*

(4) *The case may be tried to a jury.*

(5) *The trial of the case will be tried within 30 days after the 60 day discovery cut-off.*

(6) *The trial will be limited to 1 day.*

(7) *The jury selection will be limited to 1 hour.*

(8) *The plaintiff will have 3 hours to present its case including opening, all testimony and evidence, and closing.*

(9) *The defendant will have 3 hours to present its case including opening, all testimony and evidence, and closing.*

(10) *The jury will be given "plain language" jury instructions at the beginning of the trial as well as a "plain language" jury verdict form. The jury instructions and verdict form will be agreed to by the parties.*

(11) *The parties will be permitted to introduce a written report of any expert and the expert's curriculum vitae instead of calling the expert live at trial.*

(12) *At trial the parties may use excerpts from depositions, including video depositions, regardless of where the deponent lives or whether they are available to testify.*

(13) *Except as approved by the court, the Florida Evidence Code and the Florida Rules of Civil Procedure will apply.*

(14) *A unanimous jury verdict is not necessary to resolve the case. A vote of 5-1 is sufficient.*

(15) *There will be no continuances of the trial absent extraordinary circumstances.*

Section 13. Section 40.50, Florida Statutes, is created to read:

40.50 Jury duty and instructions in civil cases.—

(1) *In any civil action immediately after the jury is sworn, the court shall instruct the jury concerning its duties, its conduct, the order of proceedings, the procedure for submitting written questions of witnesses, and the elementary legal principles that will govern the proceeding as provided herein.*

(2) *Jurors shall be instructed that they will be permitted to discuss the evidence among themselves in the jury room during recesses from trial when all are present, as long as they reserve judgment about the outcome of the case until deliberations commence. Notwithstanding the foregoing, the jurors' discussion of the evidence among themselves during recesses may be limited or prohibited by the court for good cause.*

(3) *The court shall instruct that the jurors may take notes regarding the evidence and keep the notes for the purpose of refreshing their memory for use during recesses, discussions, and deliberations. The court may provide materials suitable for this purpose. The confidentiality of the notes should be emphasized to the jurors. After the jury has rendered its verdict, the notes shall be collected by the bailiff or clerk who shall promptly destroy them.*

(4) *The court shall provide a notebook for each juror. Notebooks shall contain:*

(a) *A copy of the preliminary jury instructions, including special instructions on the issues to be tried.*

(b) *Jurors' notes.*

(c) *Witnesses' names, photographs and/or biographies.*

(d) *Copies of key documents admitted into evidence and an index of all exhibits in evidence.*

(e) *A glossary of technical terms.*

(f) *A copy of the court's final instructions.*

In its discretion, the court may authorize documents and exhibits in evidence to be included in notebooks for use by the jurors during trial to aid them in performing their duties. The preliminary jury instructions should be removed, discarded, and replaced by the final jury instructions before the latter are read to the jury by the court.

(5) *The court shall permit jurors to have access to their notes and notebooks during recesses, discussions, and deliberations.*

(6) *The court shall permit jurors to submit to the court written questions directed to witnesses or to the court. Opportunity shall be given to counsel to object to such questions out of the presence of the jury. The court may, as appropriate, limit the submission of questions to witnesses.*

(7) *The court shall instruct the jury that any questions directed to witnesses or the court must be in writing, unsigned, and given to the bailiff. The court may further instruct that, if a juror has a question for a witness or the court, the juror should hand it to the bailiff during a recess, or if the witness is about to leave the witness stand, the juror should signal to the bailiff. If the court determines that the juror's questions calls for admissible evidence, the question may be asked by court or counsel in the court's discretion. Such question may be answered by stipulation or other appropriate means, including, but not limited to, additional testimony upon such terms and limitations as the court prescribes. If the court determines that the juror's question calls for inadmissible evidence, the question shall not be read or answered. If a juror's question is rejected, the jury should be told that trial rules do not permit some questions to be asked and that the jurors should not attach any significance to the failure of having their question asked.*

(8) *The court has discretion to give final instructions to the jury before closing arguments of counsel instead of after, in order to enhance jurors' ability to apply the applicable law to the facts. In that event, the court may wish to withhold giving the necessary procedural and housekeeping instructions until after closing arguments.*

Section 14. Section 44.1051, Florida Statutes, is created to read:

44.1051 Voluntary trial resolution.—

(1) *Two or more parties who are involved in a civil dispute may agree in writing to submit the controversy to voluntary trial resolution in lieu of litigation of the issues involved, prior to or after a lawsuit has been filed, provided that no constitutional issue is involved.*

(2) *If the parties have entered into an agreement that provides for a method for appointment of a member of The Florida Bar in good standing for more than 5 years to act as trial resolution judge, the court shall proceed with the appointment as prescribed.*

(3) *The trial resolution judge shall be compensated by the parties according to their agreement.*

(4) *Within 10 days of the submission of the request for binding voluntary trial resolution, the court shall provide for the appointment of the trial resolution judge. Once appointed, the trial resolution judge shall notify the parties of the time and place for the hearing.*

(5) *Application for voluntary trial resolution shall be filed and fees paid to the clerk of the court as if for complaints initiating civil actions. The clerk of the court shall handle and account for these matters in all respects as if they were civil actions except that the clerk of the court shall keep separate the records of the applications for voluntary binding trial resolution from all other civil actions.*

(6) *Filing of the application for binding voluntary trial resolution will toll the running of the applicable statutes of limitation.*

(7) *The appointed trial resolution judge shall have such power to administer oaths or affirmation and to conduct the proceedings as the rules of court shall provide. At the request of any party, the trial resolution judge shall issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence and may apply to the court for orders compelling attendance and production. Subpoenas shall be served and shall be enforceable as provided by law.*

(8) *The hearing shall be conducted by the trial resolution judge, who may determine any question and render a final decision.*

(9) *The Florida Evidence Code shall apply to all proceedings under this section.*

(10) *Any party may enforce a final decision rendered in a voluntary trial by filing a petition for final judgment in the circuit court in the circuit in which the voluntary trial took place. Upon entry of final judgment by the circuit court an appeal may be taken to the appropriate appellate court. The harmless error doctrine shall apply in all appeals. No further review shall be permitted unless a constitutional issue is raised. Factual findings determined in the voluntary trial shall not be subject to appeal.*

(11) If no appeal is taken within the time provided by rules promulgated by the Supreme Court, then the decision shall be referred to the presiding court judge in the case, or if one has not been assigned, then to the chief judge of the circuit for assignment to a circuit judge, who shall enter such orders and judgments as are required to carry out the terms of decision, which orders shall be enforceable by the contempt powers of the court and for which judgments executions shall issue on request of a party.

(12) This section shall not apply to any dispute involving child custody, visitation, or child support, or to any dispute that involves the rights of a third party not a party to the voluntary trial resolution.

Section 15. Section 57.071, Florida Statutes, is amended to read:

57.071 Costs; what taxable.—

(1) If costs are awarded to any party the following shall also be allowed:

(a)(4) The reasonable premiums or expenses paid on all bonds or other security furnished by such party.

(b)(2) The expense of the court reporter for per diem, transcribing proceedings and depositions, including opening statements and arguments by counsel.

(c)(3) Any sales or use tax due on legal services provided to such party, notwithstanding any other provision of law to the contrary.

(2) Expert witness fees shall not be awarded as taxable costs unless:

(a) The party retaining the expert witness files a written notice with the court and each opposing party within 30 days of the retention of the expert witness, which notice shall provide the expertise and experience of the expert, the rate of compensation of the expert witness, the subject matters or issues on which the expert is expected to render an opinion, and an estimate of the overall fee of the expert witness, including trial testimony; and

(b) The party retaining the expert witness furnishes each opposing party with a written report signed by the expert witness which summarizes the expert witness's opinions, the factual basis of the opinions including documentary evidence, and the authorities relied upon in reaching the opinions, such report shall be filed at least 10 days prior to discovery cut-off, or 45 days prior to the trial, or as otherwise determined by the court.

Section 16. Section 57.105, Florida Statutes, is amended to read:

57.105 Attorney's fee; sanctions for raising unfounded claims or defenses; damages for delay of litigation.—

(1) The court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense in any civil action in which the court finds that the losing party or the losing party's attorney knew or should have known at the time a claim or defense was presented:

(a) That the claim or defense was not supported by the material facts necessary to establish the claim or defense; or

(b) That the application of then existing law to the facts the losing party or losing party's attorney knew or should have known would not support the claim or defense. ~~there was a complete absence of a justiciable issue of either law or fact raised by the complaint or defense of the losing party;~~

Provided, however, that the losing party's attorney is not personally responsible if he or she has acted in good faith, based on the representations of his or her client as to the existence of material facts. If the court awards fees to a claimant pursuant to this subsection ~~finds that there was a complete absence of a justiciable issue of either law or fact raised by the defense,~~ the court shall also award prejudgment interest.

(2) Subsection (1) shall not apply if the court determines that the claim or defense was presented as a good faith attempt to change the then existing law as it applied to the facts the losing party or losing party's

attorney knew or should have known at the time the claim or defense was presented.

(3) In any civil proceeding in which the moving party proves, by a preponderance of the evidence, that any action taken by the opposing party, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, was taken primarily for the purpose of delay, the court shall award damages to the moving party for the time necessitated by the conduct in question. The absence of a justiciable basis for the action taken shall be prima facie evidence of such a purpose; but such a purpose may also be proved, in proper cases, notwithstanding an objective justiciable basis for the action taken.

(4) If a contract contains a provision allowing attorney's fees to a party when he or she is required to take any action to enforce the contract, the court may also allow reasonable attorney's fees to the other party when that party prevails in any action, whether as plaintiff or defendant, with respect to the contract. This act shall take effect October 1, 1988, and shall apply to contracts entered into on said date or thereafter.

Section 17. Section 768.77, Florida Statutes, is amended to read:

768.77 Itemized verdict.—

(4) In any action to which this part applies in which the trier of fact determines that liability exists on the part of the defendant, the trier of fact shall, as a part of the verdict, itemize the amounts to be awarded to the claimant into the following categories of damages:

(1)(a) Amounts intended to compensate the claimant for economic losses;

(2)(b) Amounts intended to compensate the claimant for noneconomic losses; and

(3)(c) Amounts awarded to the claimant for punitive damages, if applicable.

~~(2) Each category of damages, other than punitive damages, shall be further itemized into amounts intended to compensate for losses which have been incurred prior to the verdict and into amounts intended to compensate for losses to be incurred in the future. Future damages itemized under paragraph (1)(a) shall be computed before and after reduction to present value. Damages itemized under paragraph (1)(b) or paragraph (1)(c) shall not be reduced to present value. In itemizing amounts intended to compensate for future losses, the trier of fact shall set forth the period of years over which such amounts are intended to provide compensation.~~

Section 18. Paragraph (a) of subsection (1) of section 768.78, Florida Statutes, is amended to read:

768.78 Alternative methods of payment of damage awards.—

(1)(a) In any action to which this part applies in which the court determines that trier of fact makes an award to compensate the claimant includes for future economic losses which exceed \$250,000, payment of amounts intended to compensate the claimant for these losses shall be made by one of the following means, unless an alternative method of payment of damages is provided in this section:

1. The defendant may make a lump-sum payment for all damages so assessed, with future economic losses and expenses reduced to present value; or

2. Subject to the provisions of this subsection, the court shall, at the request of either party, unless the court determines that manifest injustice would result to any party, enter a judgment ordering future economic damages, as itemized pursuant to s. 768.77(1)(a), in excess of \$250,000 to be paid in whole or in part by periodic payments rather than by a lump-sum payment.

Section 19. Subsections (3), (5), and (7) of section 768.79, Florida Statutes, are amended to read:

768.79 Offer of judgment and demand for judgment.—

(3) The offer shall be served upon the party to whom it is made, but it shall not be filed unless it is accepted or unless filing is necessary to enforce the provisions of this section. *In any case involving multiple party plaintiffs or multiple party defendants, an offer shall specify its applicability to each party. Each individual party may thereafter accept or reject the offer as the offer applies to such party. However, a plaintiff may make a global offer to all defendants without specifying amounts applicable to each defendant.*

(5) An offer may be withdrawn in writing which is served before the date a written acceptance is filed. Once withdrawn, an offer is void. *A subsequent offer shall have the effect of voiding any previous offer.*

(7)(a) *Prior to awarding costs and fees pursuant to this section the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made.* If a party is entitled to costs and fees pursuant to the provisions of this section, the court may, in its discretion, determine that an offer was not made in good faith. In such case, the court may disallow an award of costs and attorney's fees.

(b) When determining the *entitlement to and* reasonableness of an award of attorney's fees pursuant to this section, the court shall consider, along with all other relevant criteria, the following additional factors:

1. The then's apparent merit or lack's of merit in the claim.
2. The number and nature of offers made by the parties.
3. The closeness of questions of fact and law at issue.
4. *Whether the proposal was reasonably rejected.*

5.4- Whether the person making the offer had unreasonable refused to furnish information necessary to evaluate the reasonableness of such offer.

6.5- Whether the suit was in the nature of a test case presenting questions of far-reaching's importance affecting nonparties.

7.6- The amount of the additional delay cost and expense that the person making the offer reasonable would be expected to incur if the litigation should be prolonged.

Section 20. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provision of this act are declared severable.*

Section 21. Except as otherwise provided in this act, this act shall take effect October 1 of the year in which enacted.

And the title is amended as follows:

On page ,
remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to civil causes of action; amending s. 95.031, F.S.; providing a time period for bringing an action for product liability or fraud; providing an exception; creating s. 768.1256, F.S.; providing a government rules defense with respect to certain product liability actions; providing for a rebuttable presumption; providing requirements with respect to products which are drugs; amending s. 400.023, F.S.; providing conditions for the recovery of attorneys' fees with respect to civil enforcement of certain infractions related to nursing homes; providing for application; providing for discovery; providing for punitive damages; amending s. 768.72, F.S.; revising language with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; providing an

exception; amending s. 768.73, F.S.; revising language with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; providing for consolidated punitive damages trials; providing for the effect of certain previous punitive damages awards; providing a limitation on attorney fees; providing for the application of the section; providing an exception; creating s. 768.0705, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in commercial real property; providing for a presumption against liability; providing conditions for the presumption; amending s. 768.075, F.S.; delineating the duty owed to trespassers by a person or organization owning or controlling an interest in real property; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing for the application of s. 768.075(3), F.S., with respect to the common law; amending s. 324.021, F.S.; providing that the lessor of a motor vehicle under certain rental agreements shall be deemed the owner of the vehicle for the purpose of determining liability for the operation of the vehicle within certain limits; providing for construction; amending s. 768.76, F.S.; exempting compensation under workers' compensation from certain reductions for collateral sources; revising language with respect to collateral sources of indemnity to redefine the term "collateral sources" with respect to negligence actions; amending s. 768.81, F.S.; revising language with respect to the applicability of joint and several liability to certain actions; providing that certain employers participating in a worker's compensation eligibility program shall not be considered a party in a negligence action and shall not be listed as a tortfeasor on certain jury verdicts; providing for expedited trials; providing timeframes for the conduct of such trials; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the discussion of evidence under certain circumstances; providing for the taking of notes under certain circumstances; providing for notebooks; providing for written questions; providing for final instructions; creating s. 44.1051, F.S.; providing for voluntary trial resolution; providing for the appointment of a trial resolution judge; providing for compensation; providing for fees; providing for the tolling of applicable statutes of limitation; providing for powers of trial resolution judges; providing for hearings and evidence; providing for appeal; providing for application; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; amending s. 57.105, F.S.; providing sanctions for raising unfounded claims or defenses; providing exceptions; providing for damages in certain circumstances; amending s. 768.77, F.S.; revising language with respect to itemized verdicts to delete reference to future damages; amending s. 768.78, F.S.; conforming to the act; correcting a cross reference; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made; authorizing the court to consider whether or not a proposal was reasonably rejected when considering entitlement to and the amount of an award of attorneys' fees; providing severability; providing effective dates.

Rep. Warner moved the adoption of the amendment.

Suspension of the Rules for Committee Meetings and Bills

On motion by Rep. Warner, Chair, the rules were suspended and the Committee on Civil Justice & Claims was given permission to meet Tuesday, April 14, at 1:30 p.m., in Reed Hall.

On motion by Rep. Garcia, the rules were suspended and the Committee on General Government Appropriations was given permission to add HB 3661 to the agenda for its meeting Tuesday, April 14, at 3:45 p.m., in 214C.

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

On motion by Rep. Warner, the rules were suspended and CS for SB 874, as amended, was read the third time by title. On passage, the vote was:

Yeas—77

| | | | |
|-------------|-------------|------------|------------|
| The Chair | Crady | Livingston | Smith |
| Albright | Crist | Logan | Spratt |
| Alexander | Culp | Lynn | Stafford |
| Andrews | Dockery | Mackenzie | Starks |
| Argenziano | Feeney | Mackey | Tamargo |
| Arnall | Flanagan | Maygarden | Thrasher |
| Bainter | Fuller | Melvin | Tobin |
| Ball | Futch | Merchant | Trovillion |
| Betancourt | Garcia | Minton | Turnbull |
| Bitner | Gay | Morse | Valdes |
| Boyd | Goode | Murman | Villalobos |
| Bradley | Hafner | Peaden | Wallace |
| Bronson | Harrington | Posey | Warner |
| Brooks | Jones | Pruitt, K. | Westbrook |
| Burroughs | Kelly | Putnam | Wiles |
| Byrd | King | Ritter | Wise |
| Carlton | Kosmas | Rojas | Ziebarth |
| Casey | Lacasa | Sanderson | |
| Constantine | Lippman | Saunders | |
| Cosgrove | Littlefield | Sembler | |

Nays—21

| | | | |
|----------|----------|-------------|---------|
| Brennan | Frankel | Jacobs | Ritchie |
| Bullard | Gottlieb | Meek | Silver |
| Chestnut | Healey | Miller | Stabins |
| Crow | Heyman | Prewitt, D. | |
| Effman | Hill | Rayson | |
| Fischer | Horan | Reddick | |

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:

Yeas—Edwards, Sindler
Nays—Bloom, Bush
Yeas to Nays—Cosgrove, Murman

So the bill passed, as amended.

On motion by Rep. Warner, the House requested the Senate to concur, or failing to concur, requested the Senate to appoint a committee of conference to meet with a like committee appointed by the House.

On motion by Rep. Thrasher, the rules were suspended and the bill was immediately certified to the Senate.

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 3147 and CS/HB 3223.

Faye W. Blanton, Secretary

The above bills were ordered enrolled.

First Reading by Publication

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 482; passed CS for SB 706, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Regulated Industries and Senator Rossin—

CS for SB 482—A bill to be entitled An act relating to educational facilities; amending s. 235.31, F.S.; requiring boards to prequalify

bidders for construction contracts according to Commissioner of Education rule; requiring certification or licensure of bidders or contractors; amending s. 489.125, F.S.; conforming language relating to construction contractors; repealing s. 489.527, F.S., relating to electrical and alarm system contractors, to conform; repealing section 633.551(5), F.S., relating to fire protection system contractors, to conform; providing an effective date.

To the Consent Calendar.

By the Committee on Education and Senator Sullivan—

CS for SB 706—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising provisions relating to high school graduation credit requirements; providing for early graduation; amending s. 236.081, F.S., relating to funds for operation of schools; providing for calculation of full-time-equivalent student membership for students who graduate early; providing an effective date.

To the Academic Excellence Council.

Motion to Adjourn

Rep. Thrasher moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 1:30 p.m., Monday, April 13. The motion was agreed to.

Recorded Votes

Rep. Clemons:

Yea—CS for SB 874

Rep. Heyman:

Nay—passage of CS/HJR 51 after reconsideration

Rep. Sindler:

Nay—Amendment 1 to Amendment 1 to HB 3077

Prime Sponsors

HB 4179—Alexander

Cosponsors

HB 1273—Bullard, Byrd
CS/HB 1377—Culp
CS/HB 1381—Tamargo
HB 1719—Mackey
HB 1781—Byrd
CS/HB 3105—Brown, King, Logan, Morroni, Murman, Safley
HJR 3151—Casey
HB 3215—Burroughs
HB 3341—Bush
HB 3347—Livingston
CS/HB 3389—Brooks, Bush, Kelly, Ritchie
HB 3497—Culp
HB 3613—Culp
HB 3999—Morroni
HB 4227—Carlton
HB 4335—Casey
HB 4453—Crow
HB 4551—Crow, Culp, Murman
HR 9349—Crow

Withdrawals as Cosponsor

HB 3201—Trovillion
HJR 3203—Trovillion
HB 4179—Alexander

Introduction and Reference

By Representatives Kelly, Murman, Dockery, Byrd, Argenziano, Alexander, Maygarden, Peaden, Albright, K. Pruitt, Bainter, Andrews, Tamargo, Westbrook, Harrington, Ball, Flanagan, Trovillion, Morse, Barreiro, Rodriguez-Chomat, Smith, Minton, Bronson, Sembler, Wallace, Ogles, Posey, Sindler, Brooks, Melvin, Feeney, Garcia, Lacasa, Bitner, Littlefield, and Jones—

HJR 4761—A joint resolution proposing the creation of Section 18 of Article X of the State Constitution to state the rights of parents to consent to their minor children's medical treatment, including abortion.

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

By the Committee on Business Regulation & Consumer Affairs; Representatives Ogles, Lynn, and Dawson-White—

HB 4763—A bill to be entitled An act relating to regulation of professions; renumbering and amending ss. 501.057, 501.0571, 501.0573, 501.0575, 501.0577, 501.0579, and 501.0581, F.S.; transferring the Florida Commercial Weight-Loss Practices Act from ch. 501, F.S., relating to consumer protection, to ch. 468, F.S., relating to professions and occupations; redefining the activity that constitutes a weight-loss program; revising certain notice requirements; providing an exemption from regulation; conforming references and cross references; transferring regulatory authority from the Department of Agriculture and Consumer Services to the Department of Health; creating s. 468.828, F.S.; requiring weight-loss providers to obtain permits; prescribing procedures and requirements; providing a penalty; providing for fees; providing a grace period for certain providers; creating s. 468.829, F.S.; requiring display of permits; creating s. 468.519, F.S.; prohibiting sexual misconduct in the practice of dietetics and nutrition; amending s. 455.604, F.S.; requiring instruction in HIV and AIDS for persons licensed as dietitians and nutritionists; providing an effective date.

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

By the Committee on Transportation; Representative Fuller—

HB 4765—A bill to be entitled An act relating to transportation; amending s. 206.606, F.S.; revising the distribution of certain fuel tax proceeds; renumbering and amending s. 335.166, F.S.; transferring responsibility for welcome stations to the Office of Tourism, Trade, and Economic Development and to the Florida Commission on Tourism; requiring a study of the feasibility of transferring facilities of expressway and bridge authorities to the Department of Transportation; renumbering and amending s. 334.065, F.S.; revising provisions related to the funding source and the advisory board of the Center for Urban Transportation Research; amending s. 316.063, F.S.; changing the term "accident" to "crash"; revising the penalty for obstructing traffic upon damaging an unattended vehicle or other property; creating s. 316.0815, F.S.; giving public transit buses the right-of-way when reentering the traffic flow; amending s. 316.091, F.S.; providing that on specified highways certain commercial vehicles may drive only in certain lanes; amending s. 316.2055, F.S.; providing a uniform reference to the penalty for a pedestrian noncriminal traffic offense punishable under chapter 318, F.S.; amending s. 316.555, F.S.; exempting certain silvicultural and agricultural vehicles and equipment from weight restrictions on county roads; amending s. 318.18, F.S.; providing that fines for construction zone speed violations shall only be doubled under certain circumstances; amending s. 320.01, F.S.; defining the term "agricultural products"; amending s. 320.04, F.S.; providing a service charge for validation stickers issued by printer dispenser machines; amending s. 320.055, F.S.; providing for staggered fleet registration; repealing s. 320.065, F.S., relating to the registration of certain rental trailers for hire and semitrailers used to haul agricultural products; amending s. 320.0657, F.S.; defining the term "fleet"; providing registration fees; providing penalties for late or improper registration; amending s. 320.0715, F.S.; exempting certain commercial motor vehicles from the International Registration Plan; creating s. 321.045, F.S.; establishing the mission and program objectives of the Florida Highway Patrol; transferring the Bureau of Mobile Home and Recreational Vehicle Construction to the Department of Community Affairs; providing for a reviser's bill to

conform Florida Statutes; repealing s. 322.08(7)(c), F.S., relating to a voluntary contribution on driver's license applications; amending s. 322.1615, F.S.; revising language with respect to nighttime driving restrictions for persons with learner's driver licenses; amending s. 332.004, F.S.; redefining the term "airport"; amending s. 332.006, F.S.; limiting airport development support to certain airports; amending s. 334.0445, F.S.; extending the time period for the model career service classification plan in the Department of Transportation; amending s. 335.0415, F.S.; modifying the date on which jurisdiction and responsibility for public roads is determined; repealing s. 335.165, F.S., relating to welcome stations; amending s. 337.11, F.S.; revising surety approval requirements for certain supplemental agreements of the department; amending s. 337.185, F.S.; revising the State Arbitration Board contract claim program; amending s. 337.19, F.S.; revising provisions relating to suits by and against the Department of Transportation and the liability of the department; amending s. 337.403, F.S.; authorizing the department to participate in the cost of clearing and grubbing necessary to perform utility improvement, relocation, or removal work under certain circumstances; amending s. 338.229, F.S.; authorizing the department to provide restrictions on the sale, transfer, lease, or other disposition or operation of any portion of the turnpike system which reduces the revenue available for the payment of bondholders; amending s. 479.01, F.S.; redefining the terms "commercial or industrial zone" and "unzoned commercial or industrial area"; amending s. 479.07, F.S.; revising provisions relating to reinstatement of expired outdoor advertising permits; amending s. 479.16, F.S.; increasing the square footage allowable on certain signs; amending chapter 96-423, Laws of Florida; authorizing the department to sell certain state property and directing the proceeds of the sale to the State Transportation Trust Fund; providing effective dates.

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

By Representative Westbrook—

HB 4767—A bill to be entitled An act relating to vehicles used by state agencies; amending s. 20.055, F.S.; requiring a report from agency heads on employee use of state motor vehicles; amending s. 287.151, F.S.; deleting an exception to the requirement that certain motor vehicles procured by the state must be subcompact vehicles; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

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

By Representative Rayson—

HB 4769—A bill to be entitled An act relating to Broward County and the South Broward Hospital District; amending chapter 24415, Laws of Florida, 1947, as amended; providing that the South Broward Hospital District is not a "public body" or "taxing authority" for purposes of part III, chapter 163, F.S.; providing an exception with respect to community redevelopment agencies created before a specified date; providing an effective date.

Proof of publication of the required notice was attached.

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

Reference

HB 4251—Referred to the Committee(s) on Financial Services, Civil Justice & Claims, and General Government Appropriations.

HB 4395—Referred to the Committee(s) on Governmental Operations.

HB 4409—Referred to the Committee(s) on Water & Resource Management and General Government Appropriations.

HB 4451—Referred to the Committee(s) on Financial Services, Finance & Taxation, and General Government Appropriations.

First Reading of Committee Substitutes by Publication

By the Committees on Crime & Punishment; Agriculture; Representatives Jacobs, Frankel, Rayson, Silver, Futch, Brown, Heyman, Lippman, Effman, Posey, Wasserman Schultz, and Argenziano—

CS/CS/HB 1533—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; making certain types of animal exhibitions a crime; amending s. 828.27, F.S.; revising a definition; authorizing counties and municipalities to enact ordinances the violation of which constitutes a misdemeanor of the second degree; providing that commission of a misdemeanor of the second degree must be proven beyond a reasonable doubt; providing an effective date.

By the Committees on Finance & Taxation; Governmental Operations; Representatives Posey, Fasano, and Feeny—

CS/HB 3173—A bill to be entitled An act relating to retirement funds; amending and revising the provisions of ss. 175.071 and 185.06, F.S.; revising investment provisions to permit municipalities greater investment latitude to make foreign investments; providing for general powers and duties of the board of trustees; providing an effective date.

By the Committee on Financial Services; Representative Ziebarth—

CS/HB 4047—A bill to be entitled An act relating to international health insurance policies sold at airports; creating s. 624.123, F.S.; providing definitions; authorizing licensed agents to sell international health insurance policies to residents of foreign countries at international airports; requiring a specified disclaimer; providing exemptions from regulation under the Insurance Code; specifying applicable provisions; providing an effective date.

By the Committee on Community Affairs; Representative K. Pruitt—

CS/HB 4377—A bill to be entitled An act relating to planning for educational facilities; amending s. 163.3177, F.S.; requiring that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools; specifying the date by which such plans must comply and providing effect of noncompliance; providing requirements with respect to the data and analyses on which a public school facilities element to implement a school concurrency program should be based; providing for goals, objectives, and policies; providing for future conditions maps; amending s. 163.3180, F.S.; revising requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement; requiring a public schools facilities element; providing requirements for level of service standards; providing requirements for designation of service areas; providing requirements with respect to financial feasibility; specifying an availability standard; requiring that intergovernmental coordination requirements be satisfied and providing that certain municipalities are not required to be a signatory of the required interlocal agreement; providing duties of such municipalities to evaluate their status and enter into the interlocal agreement when required, and providing effect of failure to do so; providing requirements with respect to the interlocal agreement; directing the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element and providing requirements with respect thereto; amending s. 163.3191, F.S.; providing that the local planning agency's periodic report on the comprehensive plan shall assess the coordination of the plan with public schools; amending s. 235.185, F.S.; directing school boards to adopt annually 10-year and 20-year work programs in addition to the required 5-year district facilities work program; amending s. 235.186, F.S.; including additional expenditures in a district's planned basic capital outlay expenditures that may be eligible for an effort index grant; including districts that have adopted a public school facilities element in districts to which priority consideration for such grants should be given under certain circumstances; amending s. 235.19, F.S.; providing a directive to school boards with respect to school location; amending s. 235.193, F.S.; providing requirements for the 5-

year district facilities work program with respect to enrollment and population projections; precluding the siting of new schools in certain jurisdictions; amending s. 235.2155, F.S.; specifying additional savings by school districts which the SIT Program is designed to reward; providing that the SMART Schools Clearinghouse shall examine data relating to educational facilities planning, and favorably consider districts where local governments have adopted a public school facilities element, in recommending SIT Program awards; authorizing use of such awards for offsite infrastructure needs generated by development of educational facilities; providing for interim use of certain criteria by the state land planning agency in compliance review of a school concurrency system; providing for repeal; providing an effective date.

Daily Folder

Communication was received from the Speaker that under Rule 132, the Daily Folder for Thursday, April 9, 1998, beginning at 9:55 a.m., would consist of the following:

9:55 a.m. - 12:30 p.m. General Calendar
12:30 p.m. - 1:00 p.m. Ceremonial Resolutions Calendar

Reports of Councils and Standing Committees**Council Report**

The Honorable Daniel Webster
Speaker, House of Representatives

April 9, 1998

Dear Sir:

The following report of council actions is respectfully submitted as the Calendar, adopted on April 9, 1998, of the Justice Council.

Prior to consideration of the proposed ranking, a motion was adopted to remove HB 1317, CS/HB 3539, CS/HB 1381, and HB 3763 from the Consent Calendar.

Rank

1. CS/HB 3327—Sexually Violent Predator Treatment
2. HB 4059—Fleeing Law Enforcement Officer
3. CS/HB 3527—Jail Rules/Prisoner/Refusing to Obey
4. CS/CS/CS/HB 3075—Firefighters & Police Pension TF
5. CS/CS/HB 679—Weapons & Firearms/Domestic Violence
6. CS/HB 505—Private Attorneys/State Agencies
7. HB 3763—Cemetery Preservation & Consumer Act
8. CS/HB 3733—Offenders/Correctional Supervision
9. HB 3547—Homestead Tax Exemptions/SS Numbers
10. CS/HB 3511—Driver License Revocations
11. CS/HB 1381—Court Costs & Fines Collection
12. CS/HB 3373—Pretrial Detention
13. HB 1269—Vehicular Homicide/Unborn Child
14. CS/CS/HB 71—Journalist's Privilege
15. HB 4219—Mutual Aid Agreements
16. CS/HB 3367—Judicial Nominating Commissions
17. CS/HB 3539—Notification of Escaped Prisoner
18. CS/SB 930—Notification of Escaped Prisoner
19. HJR 3151—Homestead Exemption/Age 65 or Older
20. HB 3141—Employment Screening/Criminals
21. HB 1019—Marriage Preparation & Preservation
22. HB 3303—County Court Assessments
23. HB 909—Concealed Weapons/Nonresidents
24. HB 3217—Foster Care/Privatization
25. CS/HB 1167—Public Records/DOC Personnel
26. CS/HB 3245—Fla. Mobile Home Act
27. CS/CS/HB 2037—Residency Requirements
28. HB 1317—Leased Personal Property/Defraud
29. HR 9013—Local Public Facilities/Juveniles
30. CS/HB 1257—Adoptions
31. CS/HB 1513—Adoptions
32. CS/HB 3011—Relief/Vernelle Lowder
33. SB 42—Relief/Vernelle Lowder

Referred

CS/HJR 3071—Homestead Exemption/Age 65 or Older
(To the Committee on Real Property & Probate)

A quorum of the Council was present and a majority of those present agreed to the above report.

Respectfully submitted,
Representative Victor D. Crist, Chair

Committee Reports

Received April 9:

The Committee on Environmental Protection (Governmental Responsibility Council) recommends the following pass:

HM 4341 (unanimous)
SB 1334 (unanimous)
SB 1336 (unanimous)
SB 1434, with 2 amendments

The above bills were placed on the appropriate Calendar or Council list.

The Committee on Governmental Rules & Regulations (Governmental Responsibility Council) recommends the following pass:

HB 3259 (unanimous)
CS/HB 4051, with 3 amendments (unanimous)

The above bills were placed on the appropriate Calendar or Council list.

The Committee on Real Property & Probate (Justice Council) recommends the following pass:

HB 3763, with 1 amendment (unanimous)

The above bill was placed on the appropriate Calendar or Council list.

The Committee on Crime & Punishment (Justice Council) recommends a committee substitute for the following:

CS/HB 1533 (unanimous)

The above committee substitute was placed on the appropriate Calendar or Council list, and, under the rule, CS/HB 1533 was laid on the table.

The Committee on Finance & Taxation recommends a committee substitute for the following:

HB 3173 (fiscal note attached, unanimous)

The above committee substitute was placed on the appropriate Calendar or Council list, and, under the rule, HB 3173 was laid on the table.

The Committee on Financial Services (Economic Impact Council) recommends a committee substitute for the following:

HB 4047 (unanimous)

The above committee substitute was placed on the appropriate Calendar or Council list, and, under the rule, HB 4047 was laid on the table.

The Committee on Governmental Rules & Regulations (Governmental Responsibility Council) recommends the following pass:

CS/HB 3571 (unanimous)
HB 3653, with 1 amendment (unanimous)

The above bills were referred to the Committee on Criminal Justice Appropriations.

The Committee on Real Property & Probate (Justice Council) recommends the following pass:

HB 4371, with 1 amendment (unanimous)

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

The Committee on Environmental Protection (Governmental Responsibility Council) recommends the following pass:

HB 4555 (unanimous)
HB 4557 (unanimous)

The above bills were referred to the Committee on General Government Appropriations.

The Committee on Governmental Rules & Regulations (Governmental Responsibility Council) recommends the following pass:

HB 3523, with 1 amendment (unanimous)

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

The Committee on Community Affairs (Governmental Responsibility Council) recommends a committee substitute for the following:

HB 4377 (unanimous)

The above committee substitute was referred to the Committee on Education Appropriations, and, under the rule, HB 4377 was laid on the table.

The Committee on Environmental Protection (Governmental Responsibility Council) recommends the following pass:

HB 4435, with 2 amendments (unanimous)
HB 4441, with 1 amendment (unanimous)

The above bills were referred to the Committee on Finance & Taxation.

The Committee on Governmental Rules & Regulations (Governmental Responsibility Council) recommends the following pass:
CS/HJR 3447

The above bill was referred to the Committee on Finance & Taxation.

The Committee on Environmental Protection (Governmental Responsibility Council) recommends the following pass:

HB 3729 (unanimous)

The above bill was referred to the Committee on Governmental Rules & Regulations (Governmental Responsibility Council).

Excused

Rep. Safley

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time: HBs 4201, 4203, 4205, 4207, 4209, 4211, 4213, 4215, and 4217 (general appropriations and implementing bills): Rep. Garcia (Chair), Rep. Ritchie (Vice Chair and At Large), Rep. Flanagan, Rep. King, Rep. Posey, and Rep. Roberts-Burke (At Large); Criminal Justice Appropriations—Rep. Villalobos (Chair), Rep. Meek, Rep. Melvin, Rep. Bainter (alternate), Rep. Crady (alternate); Transportation & Economic Development Appropriations—Rep. Merchant (Chair), Rep. Bradley, Rep. Feeney, Rep. Livingston, Rep. Reddick, Rep. Smith, Rep. Minton (alternate), Rep. Valdes (alternate); General Government Appropriations—Rep. K. Pruitt (Chair), Rep. Barreiro, Rep. Lawson, Rep. Mackey, Rep. Morse, Rep. Bronson (alternate), Rep. Eggelton (alternate); Health & Human Services Appropriations—Rep. Sanderson (Chair), Rep. Clemons, Rep. Hafner, Rep. Jones, Rep. Lacasa, Rep. Littlefield, Rep. Logan, Rep. Albright (alternate), Rep. Dennis (alternate); Education Appropriations—Rep. Sublette (Chair), Rep. Boyd, Rep. Chestnut, Rep. Constantine, Rep. Warner, Rep. Wasserman Schultz, Rep. Wise, Rep. Culp (alternate), Rep. Lynn (alternate), and Rep. Turnbull (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 12:39 p.m., to reconvene at 1:30 p.m., Monday, April 13.