



The Journal OF THE House of Representatives

Number 23

Monday, April 20, 1998

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

Prayer

The following prayer was offered by the Reverend Sam Brooks of Grace Presbyterian Church of Port Charlotte, upon invitation of Rep. Bitner:

Father, I thank you for your kind providence in bringing all of us who are here today together from so many different backgrounds and places of birth to the great state of Florida. Help us, as we try to express our gratitude for that, to be good stewards of the varied and valuable resources that you've given us in this state.

As this spring's work draws to a close and the Legislature finishes its responsibilities and obligations to the people of Florida, as the budget is finalized and other business taken care of, I pray that you would give each legislator the courage to defend heart convictions and the reasonableness to compromise personal opinion. May the work that is done here be for the greater good of all Floridians and be pleasing in your sight.

And, Father, having seen the potential fury in your creation through the tornadoes in Central Florida, our hearts go out to other communities in other states facing similar destruction: in Alabama, Georgia, Kentucky, North Carolina, and Tennessee. And I pray that you would enable those devastated neighborhoods to pull together and to recover, as you're helping ours to do.

And now, may the ministers of governance that you have ordained and placed in office have an efficient and productive day of business. I pray all these things in the name of the one whom to know aright is life eternal. Amen.

The following Members were recorded present:

The Chair	Brooks	Dockery	Harrington
Albright	Brown	Edwards	Healey
Alexander	Bullard	Effman	Heyman
Andrews	Bush	Eggelation	Hill
Argenziano	Byrd	Fasano	Horan
Arnall	Carlton	Feeny	Jacobs
Arnold	Casey	Fischer	Jones
Bainter	Clemons	Frankel	Kelly
Ball	Constantine	Fuller	King
Barreiro	Cosgrove	Futch	Kosmas
Bitner	Crady	Garcia	Lacasa
Bloom	Crist	Gay	Lawson
Boyd	Crow	Goode	Lippman
Bradley	Culp	Gottlieb	Littlefield
Brennan	Dawson-White	Greene	Livingston
Bronson	Dennis	Hafner	Logan

Lynn	Peaden	Sanderson	Tobin
Mackenzie	Posey	Saunders	Trovillion
Mackey	Prewitt, D.	Semler	Turnbull
Maygarden	Pruitt, K.	Silver	Valdes
Meek	Putnam	Sindler	Villalobos
Melvin	Rayson	Smith	Wallace
Merchant	Reddick	Spratt	Warner
Miller	Ritchie	Stabins	Wasserman Schultz
Minton	Ritter	Stafford	Westbrook
Morrone	Roberts-Burke	Starks	Wiles
Morse	Rodriguez-Chomat	Sublette	Wise
Murman	Rojas	Tamargo	Ziebarth
Ogles	Safley	Thrasher	

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

A quorum was present.

Pledge

The Members, led by John C. Anderson, Eric Barnes, Adam Robert Lucas, and Reed F. Nelson, pledged allegiance to the Flag. John C. Anderson of Orlando served at the invitation of the Speaker. Eric Barnes of Dade City served at the invitation of Rep. Littlefield. Adam Robert Lucas of Coral Springs served at the invitation of Rep. Tobin. Reed F. Nelson of Apopka served at the invitation of Rep. Sindler.

House Physician

The Speaker introduced the Honorable Richard S. "Dick" Hodes, M.D., of Tampa, former Representative from District 68, who served in the Clinic today upon invitation of Rep. Murman.

Correction of the *Journal*

The *Journal* of April 16 was corrected and approved as corrected.

Messages from the Senate

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 6; passed SB 16; CS for SB 776; and CS for SB 1092, as amended; passed SB 1972 and CS for SB 1108 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Meadows—

SB 6—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Michelle Ponce, a minor; providing for an appropriation to compensate her for injuries and damages sustained

as a result of the negligence of Metropolitan Dade County; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and placed on the Local Calendar.

By Senator Turner—

SB 16—A bill to be entitled An act relating to the Dade County School Board; providing for the relief of Lazaro Gutierrez; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Dade County School Board; providing for payment of Medicaid liens prior to disbursement of the warrant; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and placed on the Local Calendar.

By the Committee on Health Care and Senator Clary—

CS for SB 776—A bill to be entitled An act relating to physician assistants; amending ss. 39.01, 154.04, 232.465, 240.4067, 395.0191, 458.347, 459.022, 627.351, 627.357, 766.105, 766.1115, 984.03, 985.03, F.S.; providing for licensure of physician assistants rather than certification; prescribing qualifications for licensure and revising provisions governing examinations; conforming statutory provisions; providing an effective date.

—was read the first time by title and placed on the Economic Impact Council Calendar.

By the Committee on Banking and Insurance and Senator Latvala—

CS for SB 1092—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; revising eligibility requirements for supplemental payments; providing a method for calculating workers' compensation benefits based on the aggregate amount of those benefits and other specified benefits payable to the employee; providing that certain supplemental payments are not workers' compensation benefits; providing an effective date.

—was read the first time by title and placed on the Economic Impact Council Calendar.

By Senator Lee—

SB 1972—A bill to be entitled An act relating to workers' compensation; amending s. 440.09, F.S.; providing a standard for rebutting a presumption that an employee's injury was caused by intoxication or influence of drugs; providing an effective date.

—was read the first time by title and placed on the Economic Impact Council Calendar.

By the Committee on Banking and Insurance and Senator Williams—

CS for SB 1108—A bill to be entitled An act relating to insurance; amending s. 627.021, F.S.; providing that the provisions of ch. 627, F.S., do not apply to commercial inland marine insurance; amending ss. 627.0651, 627.410, F.S.; making conforming changes to requirements for filing underwriting rules and forms; amending s. 627.311, F.S.; revising the composition of the workers' compensation joint underwriting plan; prohibiting insurers from providing workers' compensation to certain employers; amending s. 627.7295, F.S., relating to minimum down payments for motor vehicle insurance; providing an effective date.

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

Representative(s) Safley offered the following:

Amendment 1 (with title amendment)—On page 13, between lines 30 & 31 of the bill

insert:

Section 4. Paragraph (e) of subsection (2) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(e) Notwithstanding the provisions of subparagraph (c)2. or paragraph (d), eligibility shall not be extended to any area that was not eligible on March 1, 1997, except that the department may act with respect to any petition on which a hearing was held prior to *May 9, 1997* ~~the effective date of this act. This paragraph is repealed on October 1, 1998.~~

And the title is amended as follows:

On page 1, line 12

after the semicolon, insert: amending s. 627.351, F.S.; prohibiting further geographical expansion of Florida Windstorm Underwriting Association eligibility;

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

Representative(s) Safley offered the following:

Amendment 2 (with title amendment)—On page 14, between lines 26 & 27 of the bill

insert:

Section 5. Paragraph (c) is added to subsection (1) of section 627.7013, Florida Statutes, and subsection (2) of said section is amended, to read:

627.7013 Orderly markets for personal lines residential property insurance.—

(1) FINDINGS AND PURPOSE.—

(a) The Legislature finds that personal lines residential property insurers, as a condition of doing business in this state, have a responsibility to contribute to an orderly market for personal lines residential property insurance and that there is a compelling state interest in maintaining an orderly market for personal lines residential property insurance. The Legislature further finds that Hurricane Andrew, which caused over \$15 billion of insured losses in South Florida, has reinforced the need of consumers to have reliable homeowner's insurance coverage; however, the enormous monetary impact to insurers of Hurricane Andrew claims has prompted insurers to propose substantial cancellation or nonrenewal of their homeowner's insurance policyholders. The Legislature further finds that the massive cancellations and nonrenewals announced, proposed, or contemplated by certain insurers constitute a significant danger to the public health, safety, and welfare, and destabilize the insurance market. In furtherance of the overwhelming public necessity for an orderly market for property insurance, the Legislature, in chapter 93-401, Laws of Florida, imposed, for a limited time, a moratorium on cancellation or nonrenewal of personal lines residential property insurance policies. The Legislature further finds that upon expiration of the moratorium, additional actions are required to maintain an orderly market for personal lines residential property insurance in this state. The purposes of this section are to provide for a phaseout of the moratorium and to require advance planning and approval for programs of exposure reduction.

(b) The Legislature finds, as of the beginning of the 1996 Regular Session of the Legislature, that:

1. The conditions described in paragraph (a) remain applicable to the property insurance market in this state in 1996 and are likely to remain applicable for several years thereafter.

2. The Residential Property and Casualty Joint Underwriting Association, a residual market mechanism created to alleviate temporary unavailability of property insurance coverage, remains the

primary or exclusive source of new property insurance coverage in significant portions of the state.

3. Recent enactments intended to restore a competitive, private sector property insurance market, including creation and enhancement of the Florida Hurricane Catastrophe Fund, incentives for depopulation of the Residential Property and Casualty Joint Underwriting Association, incentives for hurricane loss mitigation and prevention, creation of the Florida Commission on Hurricane Loss Projection Methodology, and revisions of laws relating to rates and coverages, are beginning to have their intended effects; however, the market instability that persists could frustrate these efforts to restore the market.

4. The moratorium completion provided in this section is the least intrusive method for maintaining an orderly market, insofar as it applies only to hurricane-related cancellations and nonrenewals of personal lines residential policies that were in force on the effective date, and insofar as it allows an insurer annually to nonrenew up to 5 percent of the total number of such policies as of the effective date.

(c) *The Legislature finds, as of January 1, 1998, that:*

1. *The conditions described in paragraphs (a) and (b) remain applicable to the property insurance market in this state in 1998 and are likely to remain applicable for several years thereafter.*

2. *The general instability of the market is reflected by the following facts:*

a. *In spite of depopulation efforts under which approximately 600,000 policies have been transferred from the Residential Property and Casualty Joint Underwriting Association to the voluntary market, the joint underwriting association, with approximately 500,000 policies in force, remains the primary or exclusive source of new property insurance coverage in significant portions of the state.*

b. *The Florida Windstorm Underwriting Association is growing rapidly, with more than 400,000 policies in force, approximately half of which were initially issued in 1997.*

3. *A further extension of the operation of this section until June 1, 2001, will provide an opportunity for the market to stabilize and for continuation of residual market depopulation efforts.*

(2) MORATORIUM COMPLETION.—

(a) As used in this subsection, the term “total number of policies” means the number of an insurer’s policies of a specified type that were in force on June 1, 1996, or the date on which this section became law, whichever was later.

(b) The following restrictions apply only to cancellation or nonrenewal of personal lines residential property insurance policies that were in force on June 1, 1996, or the date on which this section became law, whichever was later.

1. In any 12-month period, an insurer may not cancel or nonrenew more than 5 percent of such insurer’s total number of homeowner’s policies, 5 percent of such insurer’s total number of mobile home owner’s policies, or 5 percent of such insurer’s total number of personal lines residential policies of all types and classes in the state for the purpose of reducing the insurer’s exposure to hurricane claims and may not, with respect to any county, cancel or nonrenew more than 10 percent of its total number of homeowner’s policies, 10 percent of its total number of mobile home owner’s policies, or 10 percent of its total number of personal lines residential policies of all types and classes in the county for the purpose of reducing the insurer’s exposure to hurricane claims. This subparagraph does not prohibit any cancellations or nonrenewals of such policies for any other lawful reason unrelated to the risk of loss from hurricane exposure.

2.a. If, for any 12-month period, an insurer proposes to cancel or nonrenew personal lines residential policies to an extent not authorized by subparagraph 1. for the purpose of reducing exposure to hurricane claims, the insurer must file a phaseout plan with the department at least 90 days prior to the effective date of the plan. In the plan, the

insurer must demonstrate to the department that the insurer is protecting market stability and the interests of its policyholders. The plan may not be implemented unless it is approved by the department. In developing the plan, the insurer must consider policyholder longevity, the use of voluntary incentives to accomplish the reduction, and geographic distribution. The insurer must demonstrate that under the plan the insurer will not cancel or nonrenew more policies in the 12-month period than the largest number of similar policies the insurer canceled or nonrenewed for any reason in any 12-month period between August 24, 1989, and August 24, 1992.

b. If the insurer considers the number of cancellations and nonrenewals under sub-subparagraph a. to be insufficient, the insurer may apply for approval of additional cancellations or nonrenewals on the basis of an unreasonable risk of insolvency. In evaluating a request under this sub-subparagraph, the department shall consider and shall require the insurer to provide information relevant to: the insurer’s size, market concentration, and general financial condition; the portion of the insurer’s business in this state represented by personal lines residential property insurance; the reasonableness of assumptions with respect to size, frequency, severity, and path of hurricanes; the reinsurance available to the insurer and potential recoveries from the Florida Hurricane Catastrophe Fund; and the extent to which the insurer’s assets have been voluntarily transferred by dividend or otherwise from the insurer to its stockholders, parent companies, or affiliated companies since June 1, 1996, or the date on which this section became law, whichever was later. In the implementation of exposure reductions under this sub-subparagraph, the department and the insurer shall consider such factors as policyholder longevity, the use of voluntary incentives to accomplish the exposure reduction, and geographic distribution.

c. A policy shall not be counted as having been canceled or nonrenewed for purposes of this subsection if any of the following apply:

(I) The policy was canceled or nonrenewed for an underwriting reason unrelated to the risk of loss from hurricane exposure, nonpayment of premium, or any other lawful reason that is unrelated to the risk of loss from hurricane exposure. The department shall consider the reason specified in the notice of cancellation or nonrenewal to be the reason for the cancellation or nonrenewal unless the department finds by a preponderance of the evidence that the stated reason was not the insurer’s actual reason for the cancellation or nonrenewal.

(II) The cancellation or nonrenewal was initiated by the insured.

(III) The insurer has offered the policyholder replacement or alternative coverage at approved rates, which coverage meets the requirements of the secondary mortgage market.

d. In addition to any other cancellations or nonrenewals subject to the limitations in this subsection, a policy shall be considered as having been canceled or nonrenewed for purposes of this subsection if:

(I) The insurer implements a rate increase under the use-and-file provisions of s. 627.062(2)(a)2., which rate increase exceeds 150 percent of the increase ultimately approved by the department, and, while the rate filing was pending, the policyholder voluntarily canceled or nonrenewed the policy and obtained replacement coverage from another insurer, including the Residential Property and Casualty Joint Underwriting Association; or

(II) The insurer reduces the commission to an agent by more than 25 percent and the agent thereafter places the risk with another insurer, including the Residential Property and Casualty Joint Underwriting Association, ~~or the Florida Windstorm Underwriting Association, or the Coastal Zone Insurance Plan.~~

e. The department must approve or disapprove an application for a waiver within 90 days after the department receives the application for waiver.

3. In addition to the cancellations or nonrenewals authorized under this section, an insurer may cancel or nonrenew policies to the extent

authorized by an exemption from or waiver of either the moratorium created by chapter 93-401, Laws of Florida, or the moratorium phaseout under former s. 627.7013(2).

4. Notwithstanding any provisions of this section to the contrary, this section does not apply to any insurer that, prior to August 24, 1992, filed notice of such insurer's intent to discontinue writing insurance in this state under s. 624.430, and for which a finding has been made by the department, the Division of Administrative Hearings of the Department of Management Services, or a court that such notice satisfied all requirements of s. 624.430. Nothing in this section shall be construed to authorize an insurer to withdraw from any line of property insurance business for the purpose of reducing exposure to risk of hurricane loss if such withdrawal commenced at any time that the moratorium under chapter 93-401, Laws of Florida, or the moratorium phaseout under this section is in effect.

5. The following actions by an insurer do not constitute cancellations or nonrenewals for purposes of this subsection:

a. The transfer of a risk from one admitted insurer to another admitted insurer, unless the terms of the new or replacement policy place the policyholder in default of a mortgage obligation.

b. An increase in the hurricane deductible applicable to the policy, unless the new deductible places the policyholder in default of a mortgage obligation or the deductible exceeds the limits specified in s. 627.701.

c. Any other lawful change in coverage that does not place the policyholder in default of a mortgage obligation.

d. A cancellation or nonrenewal that is part of the same action as the removal of a policy including windstorm or hurricane coverage from the Residential Property and Casualty Joint Underwriting Association.

6. In order to assure fair and effective enforcement of this subsection, each insurer shall, no later than October 1, 1996, report to the department the policy number of each policy subject to this subsection, arranged by county. The report shall include the policy number for each personal lines residential policy that was in force on June 1, 1996, or the date this section became law, whichever was later. Beginning October 1, 1996, each insurer shall also report, on a monthly basis, all cancellations and nonrenewals of policies included in such policy list and the reasons for the cancellations and nonrenewals.

~~7. An insurer that has an overconcentration of wind risk in areas eligible for coverage under the Florida Windstorm Underwriting Association may submit to the department for approval an accelerated exposure reduction plan. The plan, if approved, shall allow the insurer to nonrenew additional policies for reasons of reducing hurricane loss, beyond the amounts authorized elsewhere in this paragraph, subject to the following conditions:~~

~~a. All additional nonrenewals under this subparagraph shall consist of nonrenewals of only the windstorm portion of a policy, and shall be allowed only if the Florida Windstorm Underwriting Association provides windstorm coverage to replace the nonrenewed windstorm coverage.~~

~~b. At the conclusion of the accelerated exposure reduction plan, which shall be no later than 12 months after the date of the first nonrenewal under such plan, the insurer is prohibited from any further nonrenewals for purposes of reducing hurricane loss until the expiration of this subsection.~~

~~c. The total number of nonrenewals statewide for purposes of reduction of hurricane loss, under this subparagraph taken together with the other provisions of this paragraph, shall not exceed the total number of nonrenewals that would have been allowed statewide under subparagraph 1. between June 1, 1996, and the expiration of this subsection.~~

~~d. Notwithstanding the provisions of s. 627.4133, the insurer must give the policyholder 45 days' advance notice of the nonrenewal of windstorm coverage under this subparagraph and the availability of~~

~~such coverage through the Florida Windstorm Underwriting Association.~~

~~e. The first nonrenewal under an accelerated exposure reduction program under this subparagraph may not take effect earlier than February 1, 1997.~~

~~f. In reviewing the proposed accelerated exposure reduction plan, the department shall consider:~~

~~(I) The degree to which the exposure reduction plan is necessary to address the insurer's overconcentration.~~

~~(II) Prior levels of participation in writing voluntary wind coverage in areas eligible for coverage through the Florida Windstorm Underwriting Association.~~

~~(III) The availability of wind coverage in the voluntary market for the subject risks.~~

~~(IV) The capacity of the Florida Windstorm Underwriting Association to absorb the risks proposed to be covered by the association.~~

(c) The department may adopt rules to implement this subsection.

(d) This section shall cease to operate at such time as the department determines that the insured value of all residential properties insured by the Florida Windstorm Underwriting Association and all properties insured by the Residential Property and Casualty Joint Underwriting Association under policies providing wind coverage, combined, has remained below \$25 billion for 3 consecutive months, based on exposure data reported to the department by the associations.

~~(e)(4) This subsection is repealed on June 1, 2001 1999.~~

Section 6. Section 627.7014, Florida Statutes, is amended to read:

627.7014 Orderly markets for condominium association residential property insurance.—

(1) FINDINGS AND PURPOSE.—

(a) The Legislature finds:

1. That residential property insurers providing condominium association coverage, as a condition of doing business in this state, have a responsibility to contribute to an orderly market for condominium association residential property insurance and that there is a compelling state interest in maintaining an orderly market for condominium association residential property insurance.

2. That Hurricane Andrew, which caused over \$15 billion of insured losses in South Florida, has reinforced the need of consumers to have reliable condominium association insurance coverage; however, even more than 3 years after Hurricane Andrew, the hurricane's enormous monetary impact is causing insurers to propose substantial cancellation or nonrenewal of their condominium association insurance policyholders.

3. That the massive cancellations and nonrenewals announced, proposed, or contemplated by certain insurers constitute a significant danger to the public health, safety, and welfare and destabilize the insurance market.

4. That the Residential Property and Casualty Joint Underwriting Association, a residual market mechanism created to alleviate temporary unavailability of property insurance coverage, remains the primary or exclusive source of new property insurance in significant portions of the state.

5. That recent enactments intended to restore a competitive, private sector property insurance market, including creation and enhancement of the Florida Hurricane Catastrophe Fund, incentives for depopulation of the Residential Property and Casualty Joint Underwriting Association, incentives for hurricane loss mitigation and prevention, creation of the Florida Commission on Hurricane Loss Projection Methodology, and revisions of laws relating to rates and coverages, are

beginning to have their intended effects; however, the market remains unstable.

6. That the moratorium created by this section is the least intrusive method for maintaining an orderly market for condominium association insurance, insofar as it applies only to hurricane-related cancellations and nonrenewals of personal lines residential policies that were in force on the effective date of this section, and insofar as it allows an insurer annually to nonrenew up to 5 percent of the total number of such policies as of the effective date of this section.

(b) *The Legislature finds, as of January 1, 1998, that:*

1. *The conditions described in paragraph (a) remain applicable to the commercial residential property insurance market in this state in 1998 and are likely to remain applicable for several years thereafter.*

2. *The general instability of the market is reflected by the recent rapid growth of the Florida Windstorm Underwriting Association, which had more than 9,500 commercial residential policies in force as of December 31, 1997, representing a 58 percent increase over the number of commercial residential policies in force on December 31, 1996.*

3. *An extension of the operation of this section until June 1, 2001, will provide an opportunity for the market to stabilize and for continuation of residual market depopulation efforts.*

(c)(b) The purposes of this section are to provide for a temporary moratorium on hurricane-related cancellations and nonrenewals of condominium association coverage and to require advance planning and approval for programs of condominium association exposure reduction.

(2) MORATORIUM.—

(a) As used in this subsection, the term “total number of policies” means the number of an insurer’s condominium association policies providing windstorm or hurricane coverage that were in force on the effective date of this section. The following restrictions apply to the cancellation or nonrenewal of condominium association residential property insurance policies that were in force on the effective date of this section:

1. In any 12-month period, an insurer may not cancel or nonrenew more than 5 percent of its total number of condominium association policies in the state for the purpose of reducing the insurer’s exposure to hurricane claims and may not, with respect to any county, cancel or nonrenew more than 10 percent of its total number of condominium association policies in the county for the purpose of reducing the insurer’s exposure to hurricane claims. This subparagraph does not prohibit any cancellations or nonrenewals of such policies for any other lawful reason unrelated to the risk of loss from hurricane exposure.

2.a. If, for any 12-month period, an insurer proposes to cancel or nonrenew condominium association policies to an extent not authorized by subparagraph 1. for the purpose of reducing exposure to hurricane claims, the insurer must file a phaseout plan with the department at least 90 days prior to the effective date of the plan. In the plan, the insurer must demonstrate to the department that the insurer is protecting market stability and the interests of its policyholders. The plan may not be implemented unless it is approved by the department. In developing the plan, the insurer must consider policyholder longevity, the use of voluntary incentives to accomplish the reduction, and geographic distribution. The insurer must demonstrate that under the plan the insurer will not cancel or nonrenew more policies in the 12-month period than the largest number of similar policies the insurer canceled or nonrenewed for any reason in any 12-month period between August 24, 1989, and August 24, 1992.

b. If the insurer considers the number of cancellations and nonrenewals under sub-subparagraph a. to be insufficient, the insurer may apply for approval of additional cancellations or nonrenewals on the basis of an unreasonable risk of insolvency. In evaluating a request under this sub-subparagraph, the department shall consider, and shall require the insurer to provide information relevant to: the insurer’s size, market concentration, and general financial condition; the portion of the

insurer’s business in this state represented by condominium association residential property insurance; the reasonableness of assumptions with respect to size, frequency, severity, and path of hurricanes; and the reinsurance available to the insurer and potential recoveries from the Florida Hurricane Catastrophe Fund. In the implementation of exposure reductions under this sub-subparagraph, the department and the insurer shall consider such factors as policyholder longevity, the use of voluntary incentives to accomplish the exposure reduction, and geographic distribution.

c. A policy shall not be counted as having been canceled or nonrenewed for purposes of this subsection if any of the following apply:

(I) The policy was canceled or nonrenewed for an underwriting reason unrelated to the risk of loss from hurricane exposure, nonpayment of premium, or any other lawful reason that is unrelated to the risk of loss from hurricane exposure. The department shall consider the reason specified in the notice of cancellation or nonrenewal to be the reason for the cancellation or nonrenewal unless the department finds by a preponderance of the evidence that the stated reason was not the insurer’s actual reason for the cancellation or nonrenewal.

(II) The cancellation or nonrenewal was initiated by the insured.

(III) The insurer has offered the policyholder replacement or alternative coverage at approved rates.

(IV) The risk is transferred from one admitted insurer to another admitted insurer, unless the terms of the new or replacement policy place the policyholder in default of a mortgage obligation.

(V) The hurricane deductible applicable to the policy is increased unless the new deductible exceeds statutory limits or places the policyholder in default of a mortgage obligation.

(VI) Any other lawful change in coverage that does not place the policyholder in default of a mortgage obligation is made.

d. In addition to any other cancellations or nonrenewals subject to the limitations in this subsection, a policy shall be considered as having been canceled or nonrenewed for purposes of this subsection if:

(I) The insurer implements a rate increase under the use-and-file provisions of s. 627.062(2)(a)2., which rate increase exceeds 150 percent of the increase ultimately approved by the department, and, while the rate filing was pending, the policyholder voluntarily canceled or nonrenewed the policy and obtained replacement coverage from another insurer, including the Residential Property and Casualty Joint Underwriting Association; or

(II) The insurer reduces the commission to an agent by more than 25 percent and the agent thereafter places the risk with another insurer, including the Residential Property and Casualty Joint Underwriting Association.

e. The department must approve or disapprove an application for a waiver within 90 days after the department receives the application for waiver.

3. Notwithstanding any provisions of this section to the contrary, this section does not apply to any insurer that, prior to August 24, 1992, filed notice of such insurer’s intent to discontinue writing insurance in this state under s. 624.430, and for which a finding has been made by the department, the Division of Administrative Hearings of the Department of Management Services, or a court that such notice satisfied all requirements of s. 624.430. This section also does not apply to any insurer that:

a. Collects at least 75 percent of its Florida premiums from policies that include hurricane coverage provided to condominium associations in coastal counties.

b. Collects at least 80 percent of its Florida premiums from policies that include hurricane coverage provided to condominium associations in Broward, Dade, and Palm Beach Counties.

c. Has, annually since 1992:

(I) Increased its aggregate Florida premium volume from policies that include hurricane coverage provided to condominium associations in coastal counties.

(II) Increased its aggregate Florida premium volume from policies that include hurricane coverage provided to condominium associations in Broward, Dade, and Palm Beach Counties.

(III) Increased its aggregate Florida exposure from policies that include hurricane coverage provided to condominium associations in coastal counties.

(IV) Increased its aggregate Florida exposure from policies that include hurricane coverage provided to condominium associations in Broward, Dade, and Palm Beach Counties.

d. Has surplus as to policyholders of no more than \$200 million as reflected in its annual statement for 1995.

4. In order to assure fair and effective enforcement of this subsection, each insurer shall, no later than October 1, 1996, report to the department the policy number of each policy subject to this subsection, arranged by county. The report shall include the policy number for each condominium association policy that was in force on the effective date of this section. Beginning October 1, 1996, each insurer shall also report, on a monthly basis, all cancellations and nonrenewals of policies included in such policy list and the reasons for the cancellations and nonrenewals.

~~5. An insurer that has an overconcentration of wind risk in areas eligible for coverage under the Florida Windstorm Underwriting Association may submit to the department for approval an accelerated exposure reduction plan. The plan, if approved, shall allow the insurer to nonrenew additional policies for reasons of reducing hurricane loss, beyond the amounts authorized elsewhere in this paragraph, subject to the following conditions:~~

~~a. All additional nonrenewals under this subparagraph shall consist of nonrenewals of only the windstorm portion of a policy, and shall be allowed only if the Florida Windstorm Underwriting Association provides windstorm coverage to replace the nonrenewed windstorm coverage.~~

~~b. At the conclusion of the accelerated exposure reduction plan, which shall be no later than 12 months after the date of the first nonrenewal under such plan, the insurer is prohibited from any further nonrenewals for purposes of reducing hurricane loss until the expiration of this subsection.~~

~~c. The total number of nonrenewals statewide for purposes of reduction of hurricane loss, under this subparagraph taken together with the other provisions of this paragraph, shall not exceed the total number of nonrenewals that would have been allowed statewide under subparagraph 1. between June 1, 1996, and the expiration of this subsection.~~

~~d. Notwithstanding the provisions of s. 627.4133, the insurer must give the policyholder 45 days' advance notice of the nonrenewal of windstorm coverage under this subparagraph and the availability of such coverage through the Florida Windstorm Underwriting Association.~~

~~e. The first nonrenewal under an accelerated exposure reduction program under this subparagraph may not take effect earlier than February 1, 1997.~~

~~f. In reviewing the proposed accelerated exposure reduction plan, the department shall consider:~~

~~(I) The degree to which the exposure reduction plan is necessary to address the insurer's overconcentration.~~

~~(II) Prior levels of participation in writing voluntary wind coverage in areas eligible for coverage through the Florida Windstorm Underwriting Association.~~

~~(III) The availability of wind coverage in the voluntary market for the subject risks.~~

~~(IV) The capacity of the Florida Windstorm Underwriting Association to absorb the risks proposed to be covered by the association.~~

(b) The department may adopt rules to implement this subsection.

(c) This section shall cease to operate at such time as the department determines that the insured value of all residential properties insured by the Florida Windstorm Underwriting Association and all properties insured by the Residential Property and Casualty Joint Underwriting Association under policies providing wind coverage, combined, has remained below \$25 billion for 3 consecutive months, based on exposure data reported to the department by the associations.

~~(d)(e) This subsection is repealed on June 1, 2001 1999.~~

And the title is amended as follows:

On page 1, line 12

after the semicolon; insert: amending ss. 627.7013 and 627.7014, F.S.; providing findings relating to the moratorium on hurricane-related cancellations and nonrenewals of personal lines residential policies and condominium association policies, respectively; deleting provisions relating to accelerated exposure reduction plans; providing circumstances under which the sections are inoperative; delaying the future repeal date of the sections;

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

On motion by Rep. Safley, the rules were suspended and CS for SB 1108, as amended, was read the third time by title. On passage, the vote was:

Yeas—114

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

Nays—None

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

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

Motions Relating to Committee References

On motion by Rep. Littlefield, agreed to by two-thirds vote, CS/HB 3707 was withdrawn from the Committee on Health Care Standards & Regulatory Reform and remains referred to the Committee on Governmental Rules & Regulations.

On motion by Rep. Brown, agreed to by two-thirds vote, HB 949 was withdrawn from further consideration of the House.

On motion by Rep. Bitner, agreed to by two-thirds vote, CS for SB 1164 was withdrawn from the Committee on Business Regulation & Consumer Affairs and placed on the appropriate Calendar or Council list.

On motion by Rep. Bitner, agreed to by two-thirds vote, HB 3783 was withdrawn from the Committee on Regulated Services and remains referred to the Committees on Finance & Taxation and Health & Human Services Appropriations.

On motion by Rep. Bitner, agreed to by two-thirds vote, HB 3275 was withdrawn from the Committee on Transportation and remains referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. Crist, agreed to by two-thirds vote, HB 3341 was withdrawn from the Committee on Civil Justice & Claims and remains referred to the Committees on Family Law & Children, Governmental Rules & Regulations, and Criminal Justice Appropriations.

On motion by Rep. Crist, agreed to by two-thirds vote, HB 3483 was withdrawn from the Committee on Civil Justice & Claims and placed on the appropriate Calendar or Council list.

On motion by Rep. Crist, agreed to by two-thirds vote, CS/HB 625 was withdrawn from the Committee on Crime & Punishment and remains referred to the Committees on Finance & Taxation and General Government Appropriations.

On motion by Rep. Crist, agreed to by two-thirds vote, HB 3121 was withdrawn from the Committee on Crime & Punishment and remains referred to the Committee on Governmental Operations.

On motion by Rep. Constantine, agreed to by two-thirds vote, CS/HB 3371 was withdrawn from the Committee on Agriculture and placed on the appropriate Calendar or Council list.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 3121 was withdrawn from the Committee on Governmental Operations and placed on the appropriate Calendar or Council list.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 4195 was withdrawn from the Committee on Governmental Operations and remains referred to the Committee on Education Appropriations.

On motion by Rep. Constantine, agreed to by two-thirds vote, CS/HB 4283 was withdrawn from the Committee on Governmental Operations and remains referred to the Committee on Health & Human Services Appropriations.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 4145 was withdrawn from the Committee on Water & Resource Management and remains referred to the Committees on Community Affairs and General Government Appropriations.

On motion by Rep. Crist, agreed to by two-thirds vote, HBs 3359 and 3653 were withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Starks, agreed to by two-thirds vote, CS/CS/HB 3705; CS/HB 3771; CS/HJR 4003; and HBs 4099 and 4103 were withdrawn from the Committee on Finance & Taxation. CS/HB 3771; CS/HJR 4003; and HBs 4099 and 4103 were placed on the appropriate Calendar or Council list. CS/CS/HB 3705 remains referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. K. Pruitt, agreed to by two-thirds vote, HB 3523 was withdrawn from the Committee on General Government Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. K. Pruitt, agreed to by two-thirds vote, CS/CS/HB 4141 was withdrawn from the Committee on General Government Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. K. Pruitt, agreed to by two-thirds vote, HB 4397 was withdrawn from the Committee on Education Appropriations and placed on the appropriate Calendar or Council list.

Suspension of the Rules for Committee Meetings and Bills

On motion by Rep. Gay, Chair, the rules were suspended and the Committee on Community Affairs was given permission to add HB 4821 to the agenda for its meeting Tuesday, April 21, at 8:00 a.m., in Morris Hall.

Motions Relating to Committee References

On motion by Rep. Littlefield, agreed to by two-thirds vote, HB 3135 and CS/HB 3715 were withdrawn from the Committee on Health & Human Services Appropriations and placed on the appropriate Calendar or Council list.

Daily Folder

Economic Impact Council Calendar

Bills and Joint Resolutions on Third Reading

HB 4431—A bill to be entitled An act relating to talent agencies; repealing pt. VII, ch. 468, F.S., relating to talent agencies, to deregulate talent agencies; amending ss. 20.165, 20.43, 232.435, 408.07, 443.101, 455.501, 455.607, 455.667, 489.109, 489.519, and 721.13, F.S.; correcting references and cross references, to conform; providing an effective date.

—was read the third time by title.

Representative(s) Ogles offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 468.401, Florida Statutes, is renumbered as section 501.940, Florida Statutes, and amended to read:

~~501.940 468.401 Regulation of Talent agencies; definitions.—As used in this section part or any rule adopted pursuant hereto:~~

(1) "Talent agency" means any person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements for an artist.

~~(2) "Owner" means any partner in a partnership, member of a firm, or principal officer or officers of a corporation, whose partnership, firm, or corporation owns a talent agency, or any individual who is the sole owner of a talent agency.~~

~~(2)(3)~~ "Compensation" means any one or more of the following:

(a) Any money or other valuable consideration paid or promised to be paid for services rendered by any person conducting the business of a talent agency under this ~~section part~~;

(b) Any money received by any person in excess of that which has been paid out by such person for transportation, transfer of baggage, or board and lodging for any applicant for employment; or

(c) The difference between the amount of money received by any person who furnishes employees, performers, or entertainers for circus, vaudeville, theatrical, or other entertainments, exhibitions, engagements, or performances and the amount paid by ~~such person him~~ to such employee, performer, or entertainer.

(3)(4) "Engagement" means any employment or placement of an artist, where the artist performs in his or her artistic capacity. However, the term "engagement" shall not apply to procuring opera, music, theater, or dance engagements for any organization defined in s. 501(c)(3) of the Internal Revenue Code or any nonprofit Florida arts organization that has received a grant from the Division of Cultural Affairs of the Department of State or has participated in the state touring program of the Division of Cultural Affairs.

~~(5) "Department" means the Department of Business and Professional Regulation.~~

~~(6) "Operator" means the person who is or who will be in actual charge of a talent agency.~~

~~(4)(7) "Buyer" or "employer" means a person, company, partnership, or corporation that uses the services of a talent agency to provide artists.~~

~~(5)(8) "Artist" means a person performing on the professional stage or in the production of television, radio, or motion pictures; a musician or group of musicians; or a model.~~

~~(6)(9) "Person" means any individual, company, society, firm, partnership, association, corporation, manager, or any agent or employee of any of the foregoing.~~

~~(10) "License" means a license issued by the Department of Business and Professional Regulation to carry on the business of a talent agency under this part.~~

~~(11) "Licensee" means a talent agency which holds a valid unrevoked and unforfeited license issued under this part.~~

Section 2. Section 501.941, Florida Statutes, is renumbered as section 510.941, Florida Statutes, and amended to read:

501.941 468.412 Talent agency regulations; bond required; violations, penalties, and remedies.—

(1) A talent agency shall maintain a record sheet for each booking. This shall be the only required record of placement and shall be kept for a period of 1 year after the date of the last entry in the buyer's file.

(2) Each talent agency shall keep records in which shall be entered:

(a) The name and address of each artist employing such talent agency.;

(b) The amount of *compensation* fees received from each such artist.;

(c) The employment in which each such artist is engaged at the time of employing such talent agency and the amount of compensation of the artist in such employment, if any, and the *engagements* ~~employments~~ subsequently secured by such artist during the term of the contract between the artist and the talent agency and the amount of compensation received by the artist pursuant thereto.;

~~(d) Other information which the department may require from time to time.~~

(3) *All money collected by a talent agency from an employer or buyer for the benefit of an artist shall be paid to the artist, less the talent agency's compensation, within 5 business days after the receipt of such money by the talent agency. No talent agency is required to pay money to an artist until the talent agency receives payment from the employer or buyer.*

(4) *No talent agency may, as a condition of registering or obtaining employment for any applicant or artist, require the applicant or artist to purchase any advertisement, videotape, or audiotape; subscribe to any publication, postcard service, resume service, or photography service; or attend any school or workshop, including any acting school or workshop.*

~~(3) All books, records, and other papers kept pursuant to this act by any talent agency shall be open at all reasonable hours to the inspection of the department and its agents. Each talent agency shall furnish to the department, upon request, a true copy of such books, records, and~~

~~papers, or any portion thereof, and shall make such reports as the department may prescribe from time to time.~~

~~(4) Each talent agency shall post in a conspicuous place in the office of such talent agency a printed copy of this part and of the rules adopted under this part. Such copies shall also contain the name and address of the officer charged with enforcing this part. The department shall furnish to talent agencies printed copies of any statute or rule required to be posted under this subsection.~~

(5) No talent agency may knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

(6) No talent agency may publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a talent agency by means of card, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the licensed name, ~~department license number~~, and address of the talent agency and the words "talent agency." No talent agency may give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.

(7) No talent agency may send or cause to be sent any person as an employee to any house of ill fame, to any house or place of amusement for immoral purposes, to any place resorted to for the purposes of prostitution, *or* to any place for the modeling or photographing of a minor in the nude in the absence of written permission from the minor's parents or legal guardians, the character of which *place, as applicable,* ~~places~~ the talent agency could have ascertained upon reasonable inquiry.

(8) No talent agency may divide *compensation* fees with anyone, including, but not limited to, an agent or other employee of an employer, a buyer, a casting director, a producer, a director, or any venue that uses entertainment.

(9) If a talent agency collects from an artist *compensation* a fee or expenses for obtaining employment for the artist, and the artist fails to procure such employment, or the artist fails to be paid for such employment if procured, such talent agency shall, upon demand therefor, repay to the artist the *compensation* fee and expenses so collected. Unless repayment thereof is made within 48 hours after demand therefor, the talent agency shall pay to the artist an additional sum equal to the amount of the *compensation* fee.

(10) Each talent agency must maintain a permanent office and must maintain regular operating hours at that office.

(11) A talent agency may not charge a registration fee.

(12) Prior to obtaining any engagement, or attempting to obtain any engagement, for an artist, a talent agency shall execute a written agreement with the artist which lists the services to be provided and the compensation to be charged. The talent agency shall give each applicant to the talent agency a copy of a written agreement which lists the services provided and the compensation to be charged.

(13)(a) Each talent agency shall acquire a surety bond or an irrevocable letter of credit, executed by the talent agency as principal, in the sum of \$5,000. The bond or letter of credit shall provide that the talent agency is responsible for the acts of any person under the talent agency's supervision and shall be in effect at all times that the talent agency is operating as a talent agency or soliciting business as a talent agency.

(b) The bond or letter of credit must be in favor of any person in a transaction who suffers any loss as a result of any violation of this part. The bond or letter of credit must cover the period for which the principal is acting as a talent agency. The aggregate liability of the surety may not exceed the sum of the bond; or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) A surety bond must be executed by a surety company authorized to do business in the state as surety, and an irrevocable letter of credit must be issued by a bank authorized to do business in the state as a bank.

(d) An irrevocable letter of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

(e) Any person injured by the fraud, deceit, or willful negligence of any talent agency or by the failure of any talent agency to comply with this part or any other law applicable to talent agencies may file an action for damages upon the bond or letter of credit, as applicable, against the principal and the surety or bank, as applicable.

(14) A talent agency may not commingle money or property of another person with its own. Each talent agency shall maintain a separate trust or escrow account in an insured bank or savings and loan association located in this state in which shall be deposited all money received from an employer for the benefit of an artist. The artist shall be paid before the talent agency can withdraw its compensation.

(15) No talent agency shall knowingly send any person who has received an engagement to any place where a strike, lockout, or other labor dispute is in active progress, without first notifying that person of such conditions.

(16) A violation of this part shall be deemed an unfair or deceptive trade practice within the meaning of part II of chapter 501, and all violations shall be subject to the penalties and remedies provided in such part.

Section 3. Section 501.942, Florida Statutes, is created to read:

501.942 Exemptions.— Any attorney who is performing an activity defined in this section, shall not be subject to the requirements set forth in this part and is exempted from the penalties and remedies authorized by this section. "Attorney" means an attorney in good standing before the Florida Bar or in good standing before any other state's bar.

Section 4. Sections 468.405, 468.408, 468.411, 468.414, and 468.415, Florida Statutes, sections 468.402, 468.403, 468.404, 468.406, 468.407, 468.409, and 468.410, Florida Statutes, as amended by chapter 94-119, Laws of Florida, and section 468.413, Florida Statutes, as amended by chapters 94-119 and 94-218, Laws of Florida, are hereby repealed.

Section 5. 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: all of said lines
and insert in lieu thereof:

An act relating to talent agencies; amending and renumbering s. 468.401, F.S. as 501.940, F.S.; providing definitions; amending and renumbering s. 468.412, F.S. as s. 501.941; providing requirements and prohibitions associated with practicing as a talent agent; providing that failure to comply is deemed an unfair or deceptive practice under part II of the ch 501; creating s. 501.942, F.S.; exempting attorneys from penalties and remedies provided in bill; repealing ss. 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.413, 468.414, 468.415, F.S.; providing an effective date.

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

The question recurred on the passage of HB 4431. The vote was:

Yeas—84

The Chair	Arnold	Bronson	Carlton
Albright	Bainter	Brooks	Casey
Alexander	Ball	Brown	Chestnut
Andrews	Bitner	Bullard	Clemons
Argenziano	Boyd	Bush	Constantine
Arnall	Brennan	Byrd	Crady

Crist	King	Ogles	Stafford
Crow	Lacasa	Posey	Starks
Culp	Lippman	Prewitt, D.	Sublette
Dockery	Littlefield	Pruitt, K.	Tamargo
Edwards	Livingston	Putnam	Thrasher
Fasano	Logan	Rayson	Tobin
Feeney	Mackenzie	Rodriguez-Chomat	Turnbull
Fuller	Mackey	Rojas	Valdes
Futch	Maygarden	Safley	Villalobos
Gay	Melvin	Sanderson	Wallace
Hafner	Merchant	Saunders	Warner
Harrington	Minton	Sembler	Westbrook
Healey	Morrone	Smith	Wiles
Jones	Morse	Spratt	Wise
Kelly	Murman	Stabins	Ziebarth

Nays—25

Barreiro	Goode	Kosmas	Roberts-Burke
Bloom	Gottlieb	Lynn	Sindler
Cosgrove	Greene	Meek	Trovillion
Dennis	Heyman	Miller	Wasserman Schultz
Effman	Hill	Reddick	
Fischer	Horan	Ritchie	
Frankel	Jacobs	Ritter	

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Votes after roll call:

Yeas—Bradley, Peaden
Yeas to Nays—Bush, Posey, Sublette

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

Bills and Joint Resolutions on Second Reading

CS/CS/HB 3211—A bill to be entitled An act relating to real estate; amending s. 475.01, F.S.; revising definitions; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting s. 475.482(1), F.S., relating to recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in a reference thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; creating s. 475.2755, F.S.; providing for designated salespersons under certain circumstances; providing disclosure requirements; amending ss. 475.274, 475.2801, and 475.5015, F.S.; applying to designated salespersons provisions relating to scope of coverage, rule authority relating to disciplinary measures, and retention of brokerage records, to conform; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; creating s. 475.279, F.S.; providing for the acceptance of facsimile signatures or writing; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid

from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, and 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending ss. 489.103 and 489.503, F.S., relating to exemptions from statutory provisions regulating construction contracting and electrical and alarm system contracting; providing exemptions relating to contracting for certain repairs, maintenance, remodeling, or improvement by a real estate licensee acting as the owner's agent; providing circumstances under which such exemptions do not apply; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

—was read the second time by title.

Representative(s) Ogles and Brown offered the following:

Amendment 1 (with title amendment)—On page 14, between lines 7 and 8 of the bill

insert:

Section 11. Section 475.276, Florida Statutes, is amended to read:

475.276 Notice of nonrepresentation.—

(1) APPLICABILITY.—

(a) Residential sales.—The real estate licensee disclosure requirements of this section and s. 475.278 apply to all residential sales. As used in this section, the term "residential sales" means the sale of improved residential property of four units or fewer, the sale of unimproved residential property intended for use of four units or fewer, or the sale of agricultural property of 10 acres or fewer.

(b) Disclosure limitations.—The real estate licensee disclosure requirements of this section and s. 475.278 do not apply to: nonresidential transactions; the rental or leasing of real property, unless an option to purchase all or a portion of the property improved with four or fewer residential units is given; auctions; appraisals; and dispositions of any interest in business enterprises or business opportunities, except for property with four or fewer residential units.

(2) NOTICE REQUIREMENT.—Unless otherwise exempted by this part, all real estate licensees are required to provide to any potential seller or buyer at first contact the notice of nonrepresentation as outlined in subsection (3), except in situations where:

(a) A licensee knows that the potential seller or buyer is represented by a single agent or a transaction broker; or

(b) An owner is selling new residential units built by the owner, and the circumstances or setting of the first contact should reasonably inform the potential buyer that the owner's employee or single agent is acting on behalf of the owner, whether by the location of the sales office, by office

signage, placards, or identification badges worn by the owner's employee or single agent.

If first contact between a licensee and a customer occurs during the course of a telephone conversation or any other communication in which the licensee is unable to provide the required notice of nonrepresentation, the licensee shall provide an oral notice and thereafter provide the required notice of nonrepresentation at the time of the first face-to-face contact, execution of a brokerage relationship agreement, or execution of a contractual agreement for purchase and sale, whichever occurs first.

(3) CONTENTS OF NOTICE.—

(a) Required information.—The notice required under subsection (2) must contain the following information:

NOTICE OF NONREPRESENTATION

FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES PROVIDE THIS NOTICE AT FIRST CONTACT TO ALL POTENTIAL SELLERS AND BUYERS OF REAL ESTATE.

You are hereby notified that (insert name of brokerage firm) and I do not represent you in any capacity. You should not assume that any real estate broker or salesperson represents you unless you agree to engage a real estate licensee in an authorized brokerage relationship, either as a single agent or as a transaction broker. You are advised not to disclose any information you want to be held in confidence until you make a decision on representation. Your signature below acknowledges receipt of this form and does not establish a brokerage relationship.

.....
Date (Signature Optional)

.....
(Signature Optional)

(b) Required format.—The notice required under subsection (2) must be printed as a separate and distinct form on paper no smaller than 8½ inches by 11 inches. Nothing may be added to the form except a brokerage firm logo containing only the firm name, address, and relevant phone numbers. The form title and first sentence are to be in bold typeface of no less than 16-point type. The remainder of the form must be of 12-point type or larger.

And the title is amended as follows:

On page 2, line 6

insert: after ":",

amending s. 475.276, F.S.; providing an exception to requirement that real estate licensees provide a notice of nonrepresentation;

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

Representative(s) Ogles offered the following:

Amendment 2—On page 4, line 17 through page 6, line 29 remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (1) of section 475.01, Florida Statutes, is amended to read:

475.01 Definitions.—

(1) As used in this part:

(a) "Broker" means a person who, for another, and for a compensation or valuable consideration directly or indirectly paid or promised, expressly or impliedly, or with an intent to collect or receive a compensation or valuable consideration therefor, appraises, auctions, sells, exchanges, buys, rents, or offers, attempts or agrees to appraise, auction, or negotiate the sale, exchange, purchase, or rental of business

enterprises or business opportunities or any real property or any interest in or concerning the same, including mineral rights or leases, or who advertises or holds out to the public by any oral or printed solicitation or representation that she or he is engaged in the business of appraising, auctioning, buying, selling, exchanging, leasing, or renting business enterprises or business opportunities or real property of others or interests therein, including mineral rights, or who takes any part in the procuring of sellers, purchasers, lessors, or lessees of business enterprises or business opportunities or the real property of another, or leases, or interest therein, including mineral rights, or who directs or assists in the procuring of prospects or in the negotiation or closing of any transaction which does, or is calculated to, result in a sale, exchange, or leasing thereof, and who receives, expects, or is promised any compensation or valuable consideration, directly or indirectly therefor; and all persons who advertise rental property information or lists. A broker renders a professional service and is a professional within the meaning of s. 95.11(4)(a). Where the term "appraise" or "appraising" appears in the definition of the term "broker," it specifically excludes those appraisal services which must be performed only by a state-licensed or state-certified appraiser, and those appraisal services which may be performed by a registered *assistant* appraiser as defined in part II. The term "broker" also includes any person who is a general partner, officer, or director of a partnership or corporation which acts as a broker. The term "broker" also includes any person or entity who undertakes to list or sell one or more timeshare periods per year in one or more timeshare plans on behalf of any number of persons, except as provided in ss. 475.011 and 721.20.

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

Representative(s) Brown offered the following:

Amendment 3—On page 47, line 30 and page 48 line 19 remove from the bill: "*construction*"

and insert in lieu thereof:

maintenance

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

Under Rule 127, the bill was referred to the Engrossing Clerk.

HB 4705 was taken up. On motion by Rep. Safley, the rules were suspended and—

SB 1972—A bill to be entitled An act relating to workers' compensation; amending s. 440.09, F.S.; providing a standard for rebutting a presumption that an employee's injury was caused by intoxication or influence of drugs; providing an effective date.

—was substituted for HB 4705 and read the second time by title. Under Rule 99, the House bill was laid on the table and the Senate bill was referred to the Engrossing Clerk.

On motion by Rep. Safley, **HB 4703** was temporarily postponed under Rule 147 and the second reading nullified.

CS/HB 3905—A bill to be entitled An act relating to the state lotteries; creating s. 24.1153, F.S.; authorizing the assignment of certain prizes pursuant to a court order and providing requirements therefor; providing for the securing of funds offset for child support payments or debts owed to a state agency; exempting the Department of the Lottery from liability upon payment of an assigned prize; authorizing a fee to defray the administrative expenses associated with such assignments; providing circumstances under which such court orders may no longer be issued; amending ss. 24.115 and 24.118, F.S., relating to payment of prizes and unlawful assignment or transfer of a right to claim a prize, to conform; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

Government Services Council Calendar

Bills and Joint Resolutions on Second Reading

CS/HB 3391—A bill to be entitled An act relating to protection of victims who apply for or receive public assistance; amending s. 414.0252, F.S.; defining "domestic violence" with respect to specified provisions relating to temporary family assistance; amending s. 414.028, F.S., relating to local WAGES coalitions; prescribing responsibilities of a local WAGES coalition and the WAGES Program State Board of Directors with respect to development of a plan for victims of domestic violence; providing requirements and guidelines for the local WAGES coalition plan; amending s. 414.065, F.S., relating to work requirements; providing exceptions from the work requirements for certain individuals at risk of domestic violence; providing exceptions for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate said amendment in a reference; amending s. 414.095, F.S., relating to determination of eligibility for the WAGES program; providing that a person who has been battered or subject to extreme cruelty in the United States by a spouse or parent is a "qualified noncitizen" under specified circumstances; providing for program applicants or participants to receive certain information regarding services available from domestic violence centers or organizations and to request referrals thereto; amending s. 414.105, F.S., relating to time limitations on temporary cash assistance; permitting domestic violence victims to be granted hardship exemptions to allow 3 continuous years of benefits, not subject to certain percentage limitations, under specified circumstances; amending s. 414.115, F.S., relating to limited temporary cash assistance for children born to families receiving temporary cash assistance; providing for nonapplicability to certain victims of specified provisions limiting such assistance under certain circumstances; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

On motion by Rep. Lacasa, **HB 4679** was temporarily postponed under Rule 147, the second reading nullified, and its place retained on the Calendar.

CS/CS/HB 1093—A bill to be entitled An act relating to taxation of homes for the aged; amending s. 196.1976, F.S.; providing that the provisions of s. 196.1975, F.S., relating to the ad valorem tax exemption for nonprofit homes for the aged, are severable, rather than nonseverable; creating s. 196.1977, F.S.; providing an exemption for each apartment in certain continuing care facilities occupied by a person who holds a continuing care contract, who makes the apartment his or her permanent home, and who is not eligible for homestead exemption; providing procedures and requirements; providing legislative intent; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

HB 4741—A bill to be entitled An act relating to managed health care; amending s. 641.316, F.S.; revising fidelity bond requirements for fiscal intermediary services organizations; providing surety bond requirements for such organizations; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

On motion by Rep. Goode, **CS/HB 1087** was temporarily postponed under Rule 147 and the second reading nullified.

On motion by Rep. Sindler, **HB 3999** was temporarily postponed under Rule 147 and the second reading nullified.

HB 4681—A bill to be entitled An act relating to regulation of professions; amending s. 455.225, F.S.; revising probable cause provisions and eliminating or revising obsolete references; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards thereunder to refuse to issue an initial license under

circumstances relating to ongoing investigations or prosecutions; providing for certain alternative continuing education credit; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending s. 455.574, F.S.; providing the Department of Health rulemaking authority with respect to examinations; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 409.908, 415.1055, 415.5055, 415.51, 440.13, 455.209, 455.213, 455.218, 455.2285, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.4061, 460.407, 461.007, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.005, 491.009, 491.015, 492.103, 492.113, 627.6407, 627.6619, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, 865.09, and 937.031, F.S.; correcting references, cross references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, and 641.60, F.S.; correcting cross references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 322.125, 381.0031, 381.026, 381.0261, 381.0302, 382.002, 395.0191, 395.0195, 395.1041, 395.301, 404.22, 409.906, 415.1034, 415.503, 415.504, 440.106, 440.13, 440.134, 440.15, 455.654, 455.684, 455.691, 455.694, 455.697, 455.698, 456.31, 456.32, 459.002, 460.403, 460.404, 460.405, 460.406, 460.408, 460.411, 460.412, 460.413, 460.4166, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013, 461.0134, 461.014, 461.015, 461.018, 462.01, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.021, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 641.316, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 817.234, 893.02, 945.047, and 984.03, F.S.; revising terminology relating to chiropractic and podiatric medicine; retitling chapters 460 and 461, F.S., to conform; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

CS/CS/HB 757—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information about patients of home medical equipment providers which is obtained by employees or service providers or the licensing agency; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a home medical equipment provider in connection with background screening of prospective employees of the provider; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

HB 4483—A bill to be entitled An act instructing the Division of Statutory Revision to make necessary changes to conform the Florida Statutes to the name change of the Department of Health and Rehabilitative Services and the divestiture of programs of the former department to other departments or agencies; transferring and renumbering ss. 408.601, 408.602, 408.603, and 408.604, F.S.; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

HR 9087—A resolution supporting enactment of legislation to facilitate the rapid approval of new drugs, biological products, and medical devices.

WHEREAS, improving patient access to quality health care is a paramount national goal, and

WHEREAS, the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices, and

WHEREAS, minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans, and

WHEREAS, current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals, and patients, and unfairly limit the right of free speech guaranteed by the First Amendment to the United States Constitution, and

WHEREAS, the current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive, NOW, THEREFORE,

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

That the Florida House of Representatives supports the enactment of comprehensive federal legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness.

—was read the second time by title.

CS/HB 1087—A bill to be entitled An act relating to health care; creating s. 641.3155, F.S.; providing for termination or nonrenewal of health maintenance organization health care provider contracts; requiring a provisional contract period; providing a minimum contract period; requiring contracts to specify causes for termination; providing a definition; providing an effective date.

—was read the second time by title.

Representative(s) Goode 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 (7) of section 641.51, Florida Statutes, is amended to read:

641.51 Quality assurance program; second medical opinion requirement.—

(7) *When an organization terminates a contract with a treating physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461, for any reason other than for cause, the ~~Each~~ organization shall allow subscribers for whom the terminated physician was a treating physician to continue care for 60 days with the a terminated treating physician through completion of treatment of a condition for which the subscriber was receiving care at the time of the termination, until the subscriber selects another treating physician, or until the next open enrollment period offered by the organization, whichever occurs first, but no longer than 1 year after termination of the physician contract, ~~provider~~ when medically necessary, provided the subscriber has a life-threatening condition or a disabling and degenerative condition. Each organization shall allow a subscriber who is in the third trimester of pregnancy to continue care with a terminated treating physician ~~provider~~ until completion of postpartum care. For care continued under this subsection, the organization and the ~~physician provider~~ shall continue to be bound by the terms of the ~~terminated~~ contract for such continued care. This subsection shall not apply to*

treating ~~physicians~~ providers who have been terminated by the organization for cause.

Section 2. Subsections (6) and (7) of section 641.315, Florida Statutes, are amended to read:

641.315 Provider contracts.—

(6)(a) For all provider contracts executed after October 1, ~~1998~~ 1991, and within 180 days after October 1, 1991, for contracts in existence as of October 1, 1991:

1. The contracts must provide that the provider shall provide 90 ~~60~~ days' advance written notice to the health maintenance organization and the department before canceling the contract with the health maintenance organization for any reason; and

2. The contract must also provide that nonpayment for goods or services rendered by the provider to the health maintenance organization shall not be a valid reason for avoiding the 90-day ~~60-day~~ advance notice of cancellation.

(b) For all provider contracts executed after October 1, ~~1998~~ 1996, and within 180 days after October 1, 1996, for contracts in existence as of October 1, 1996, the contracts must provide that the health maintenance organization will provide 90 ~~60~~ days' advance written notice to the provider and the department before canceling, without cause, the contract with the provider, except in a case in which a patient's health is subject to imminent danger or a physician's ability to practice medicine is effectively impaired by an action by the Board of Medicine or other governmental agency.

(7) Upon receipt by the health maintenance organization of a 90-day ~~60-day~~ cancellation notice, the health maintenance organization may, if requested by the provider, terminate the contract in less than 90 ~~60~~ days if the health maintenance organization is not financially impaired or insolvent.

Section 3. This act shall take effect October 1 of the year in which enacted.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to health care; amending s. 641.51, F.S.; requiring health maintenance organizations to provide a subscriber continued access to a treating physician terminated by the organization; providing limitations; amending s. 641.315, F.S.; revising the notice requirements for termination of provider contracts; providing an effective date.

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

Under Rule 127, the bill was referred to the Engrossing Clerk.

HB 3999—A bill to be entitled An act relating to termination of pregnancies; providing a short title; providing legislative findings and intent; amending s. 390.011, F.S.; revising definitions; defining additional terms; amending s. 390.0111, F.S.; revising provisions relating to terminations of pregnancies; prohibiting the coercion of a minor to have a termination of pregnancy performed; providing a penalty for violation; prohibiting the performing or inducement of a termination of pregnancy upon an unemancipated minor or an incompetent person without specified notice; providing a penalty for violation; providing notice requirements; providing exceptions; providing procedure for judicial waiver of notice; providing for confidentiality of proceedings; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petition; requiring the issuance of written findings of fact and legal conclusions; providing for expedited confidential appeal; providing for waiver of filing fees; providing a penalty for unauthorized receipt and signature of notice; providing for prima facie evidence in civil actions; providing for construction; amending s. 390.0112, F.S.; providing reporting requirements with respect to terminations of pregnancies for which notice must be given

under s. 390.0111, F.S.; providing for confidentiality of such reports; providing a fine for failure to meet reporting requirements; providing severability; providing an effective date.

—was read the second time by title.

The Committee on Health Care Services offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *SHORT TITLE.*—*This act may be cited as the "Parental Notice of Abortion Act."*

Section 2. Section 390.011, Florida Statutes, is amended to read:

390.011 Definitions.—As used in this chapter, the term:

(1) "Abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus.

(2) "Abortion clinic" or "clinic" means any facility in which abortions are performed. The term does not include:

(a) A hospital; or

(b) A physician's office, provided that the office is not used primarily for the performance of abortions.

(3) "Actual notice" means the giving of notice directly, in person, or by telephone.

(4)(3) "Agency" means the Agency for Health Care Administration.

(5) "Child abuse and neglect" shall have the same meaning as defined in s. 415.503(3) and, as used in this chapter, shall refer to the commission of acts set forth in s. 415.503(3) against a minor by a family member as defined in s. 440.13(1)(b).

(6) "Constructive notice" means notice by certified mail to the last known address of the parent or legal guardian of a minor, with delivery deemed to have occurred 48 hours after the certified notice is mailed.

(7)(4) "Department" means the Department of Health.

(8)(5) "Hospital" means a facility licensed under chapter 395.

(9) "Medical emergency" means a condition that, on the basis of a physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate termination of her pregnancy to avert her death, or for which a delay in the termination of her pregnancy will create serious risk of substantial and irreversible impairment of a major bodily function.

(10)(6) "Physician" means a physician licensed under chapter 458 or chapter 459 or a physician practicing medicine or osteopathic medicine in the employment of the United States.

(11) "Sexual abuse" shall have the same meaning as defined in s. 415.503(15) and, as used in this chapter, shall refer to the commission of acts set forth in s. 415.503(15) against a minor by a family member as defined in s. 440.13(1)(b).

(13)(7) "Third trimester" means the weeks of pregnancy after the 24th week of pregnancy.

Section 3. Section 390.0111, Florida Statutes, is amended to read:

390.0111 Termination of pregnancies.—

(1) **TERMINATION IN THIRD TRIMESTER; WHEN ALLOWED.**—No termination of pregnancy shall be performed on any human being in the third trimester of pregnancy unless:

(a) Two physicians certify in writing to the fact that, to a reasonable degree of medical probability, the termination of pregnancy is necessary to save the life or preserve the health of the pregnant woman; or

(b) The physician certifies in writing to the medical necessity for legitimate emergency medical procedures for termination of pregnancy in the last trimester, and another physician is not available for consultation.

(2) PERFORMANCE BY PHYSICIAN REQUIRED.—No termination of pregnancy shall be performed at any time except by a physician.

(3) CONSENTS REQUIRED.—A termination of pregnancy may not be performed or induced except with the voluntary and informed written consent of the pregnant woman or, in the case of a mental incompetent person, the voluntary and informed written consent of her court-appointed guardian.

(a) Except in the case of a medical emergency, consent to a termination of pregnancy is voluntary and informed only if:

1. The physician who is to perform the procedure, or the referring physician, has, at a minimum, orally, in person, informed the woman of:

a. The nature and risks of undergoing or not undergoing the proposed procedure that a reasonable patient would consider material to making a knowing and willful decision of whether to terminate a pregnancy.

b. The probable gestational age of the fetus at the time the termination of pregnancy is to be performed.

c. The medical risks to the woman and fetus of carrying the pregnancy to term.

2. Printed materials prepared and provided by the department have been provided to the pregnant woman, if she chooses to view these materials, including:

a. A description of the fetus.

b. A list of agencies that offer alternatives to terminating the pregnancy.

c. Detailed information on the availability of medical assistance benefits for prenatal care, childbirth, and neonatal care.

3. The woman acknowledges in writing, before the termination of pregnancy, that the information required to be provided under this subsection has been provided.

Nothing in this paragraph is intended to prohibit a physician from providing any additional information which the physician deems material to the woman's informed decision to terminate her pregnancy.

(b) In the event a medical emergency exists and a physician cannot comply with the requirements for informed consent, a physician may terminate a pregnancy if he or she has obtained at least one corroborative medical opinion attesting to the medical necessity for emergency medical procedures and to the fact that to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the life of the pregnant woman. In the event no second physician is available for a corroborating opinion, the physician may proceed but shall document reasons for the medical necessity in the patient's medical records.

(c) Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015. Substantial compliance or reasonable belief that complying with the requirements of informed consent would threaten the life or health of the patient is a defense to any action brought under this paragraph.

(4) NOTIFICATION REQUIRED.—

(a) A termination of pregnancy may not be performed or induced upon a minor unless the person performing or inducing the termination of pregnancy has given at least 48 hours actual notice to one parent or to the legal guardian of the pregnant minor of his or her intention to perform or induce the termination of pregnancy. The notice may be given by a referring physician. The person who performs the termination of

pregnancy must receive the written statement of the referring physician certifying that the referring physician has given notice. If actual notice is not possible after a reasonable effort, the person or his or her agent must give 48 hours constructive notice.

(b) Notice shall not be required if:

1. A medical emergency exists and there is insufficient time for the attending physician to comply with the notification requirements. In the event a medical emergency exists, the physician may terminate the pregnancy if he or she has obtained at least one corroborative medical opinion attesting to the medical necessity for emergency medical procedures. In the event no second physician is available for a corroborating opinion, the physician may proceed but shall document reasons for the medical necessity in the patient's medical records;

2. Notice is waived in writing by the person who is entitled to notice;

3. Notice is waived if the minor is or has been married or has the disability of nonage removed pursuant to s. 743.015, or similar statutes of other states; or

4. Notice is waived under the provisions of subsection (5).

(c) Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015.

(5) PROCEDURE FOR JUDICIAL WAIVER OF NOTICE.—

(a) A minor may petition any circuit court for a waiver of the notice requirements of subsection (4) and may participate in proceedings on her own behalf. The petition shall include a statement that the complainant is pregnant and notice has not been waived. The court may appoint a guardian ad litem for her. Any guardian ad litem appointed under this subsection shall act to maintain the confidentiality of the proceedings. The circuit court shall advise the minor that she has a right to court-appointed counsel and shall provide her with counsel upon her request.

(b) Court proceedings under this section shall be confidential and shall ensure the anonymity of the minor. All court proceedings under this section shall be sealed. The minor shall have the right to file her petition in the circuit court using a pseudonym or using solely her initials. All documents related to this petition shall be confidential and shall not be available to the public. Court proceedings under this section shall be given precedence over other pending matters to the extent necessary to ensure that the court reaches a decision promptly. The court shall rule, and issue written findings of fact and conclusions of law, within 48 hours of the time that the petition was filed, except that the 48-hour limitation may be extended at the request of the minor. If the court fails to rule within the 48-hour period and an extension was not requested, then the petition shall be deemed to have been granted, and the notice requirement shall be waived.

(c) If the court finds, by clear and convincing evidence, that the minor is sufficiently mature to decide whether to terminate her pregnancy, the court shall issue an order authorizing the minor to consent to the performance or inducement of a termination of pregnancy without the notification of a parent or guardian. If the court does not make the finding specified in this paragraph or paragraph (d), it shall dismiss the petition.

(d) If the court finds, by clear and convincing evidence, that there is evidence of child abuse or neglect, or sexual abuse of the complainant by one or both of her parents, her guardian, or her custodian, or that the notification of a parent or guardian is not in the best interest of the complainant, the court shall issue an order authorizing the minor to consent to the performance or inducement of a termination of pregnancy without the notification of a parent or guardian. If the court does not make the finding specified in this paragraph or paragraph (c), it shall dismiss the petition.

(e) A court that conducts proceedings under this section shall issue written and specific factual findings and legal conclusions supporting its decision and shall order that a confidential record of the evidence and the judge's findings and conclusions be maintained. At the hearing, the court

shall hear evidence relating to the emotional development, maturity, intellect and understanding of the minor.

(f) An expedited confidential appeal shall be available, as the Supreme Court provides by rule, to any minor to whom the circuit court denies a waiver of notice. An order authorizing a termination of pregnancy without notice shall not be subject to appeal.

(g) No filing fees shall be required of any pregnant minor who petitions a court for a waiver of parental notification under this subsection at either the trial or the appellate level.

The requirements and procedures under this subsection are available to minors whether or not they are residents of this state.

(6)(4) STANDARD OF MEDICAL CARE TO BE USED DURING VIABILITY.—If a termination of pregnancy is performed during viability, no person who performs or induces the termination of pregnancy shall fail to use that degree of professional skill, care, and diligence to preserve the life and health of the fetus which such person would be required to exercise in order to preserve the life and health of any fetus intended to be born and not aborted. "Viability" means that stage of fetal development when the life of the unborn child may with a reasonable degree of medical probability be continued indefinitely outside the womb. Notwithstanding the provisions of this subsection, the woman's life and health shall constitute an overriding and superior consideration to the concern for the life and health of the fetus when such concerns are in conflict.

(7)(5) EXPERIMENTATION ON FETUS PROHIBITED; EXCEPTION.—No person shall use any live fetus or live, premature infant for any type of scientific, research, laboratory, or other kind of experimentation either prior to or subsequent to any termination of pregnancy procedure except as necessary to protect or preserve the life and health of such fetus or premature infant.

(8)(6) FETAL REMAINS.—Fetal remains shall be disposed of in a sanitary and appropriate manner and in accordance with standard health practices, as provided by rule of the department. Failure to dispose of fetal remains in accordance with department rules is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(9)(7) REFUSAL TO PARTICIPATE IN TERMINATION PROCEDURE.—Nothing in this section shall require any hospital or any person to participate in the termination of a pregnancy, nor shall any hospital or any person be liable for such refusal. No person who is a member of, or associated with, the staff of a hospital, nor any employee of a hospital or physician in which or by whom the termination of a pregnancy has been authorized or performed, who shall state an objection to such procedure on moral or religious grounds shall be required to participate in the procedure which will result in the termination of pregnancy. The refusal of any such person or employee to participate shall not form the basis for any disciplinary or other recriminatory action against such person.

(10)(8) EXCEPTION.—The provisions of this section shall not apply to the performance of a procedure which terminates a pregnancy in order to deliver a live child.

(11)(9) PENALTIES FOR VIOLATION.—Except as provided in subsections (3), (4), and (8) (6):

(a) Any person who willfully performs, or actively participates in, a termination of a pregnancy procedure in violation of the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who performs, or actively participates in, a termination of a pregnancy procedure in violation of the provisions of this section which results in the death of the woman commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) PROCEEDINGS.—The Supreme Court is requested to adopt rules to ensure that proceedings under this section are handled in an

expeditious and confidential manner and in a manner which will satisfy the requirements of state and federal courts.

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall 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 provisions of this act are declared severable.

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 3, before the enacting clause remove from the bill all lines:

and insert in lieu thereof: A bill to be entitled An act relating to termination of pregnancies; providing a short title; amending s. 390.011, F.S.; defining additional terms; amending s. 390.0111, F.S.; revising provisions relating to terminations of pregnancies; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; providing notice requirements; providing exceptions; providing procedure for judicial waiver of notice; providing for confidentiality of proceedings; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petition; requiring the issuance of written findings of fact and legal conclusions; providing for expedited confidential appeal; providing for waiver of filing fees; requesting the Supreme Court to adopt rules; providing for severability; providing an effective date.

WHEREAS, the Legislature finds that immature minors often lack the ability to make fully informed choices that take into account both immediate and long-range consequences, and

WHEREAS, the medical, emotional, and psychological consequences of abortion are sometimes serious and can be lasting, particularly when the patient is immature, and

WHEREAS, the capacity to become pregnant and the capacity for mature judgment concerning the wisdom of an abortion are not necessarily related, and

WHEREAS, parents ordinarily possess information essential to a physician's exercise of his or her best medical judgment concerning the child, and

WHEREAS, parents who are aware that their minor daughter has had an abortion may better ensure that she receives adequate medical attention after her abortion, and

WHEREAS, parental consultation is usually desirable and in the best interests of the minor, and

WHEREAS, the Legislature's purpose in enacting parental notice legislation is to further the important and compelling state interests of protecting minors against their own immaturity, fostering family unity and preserving the family as a viable social unit, protecting the constitutional rights of parents to rear children who are members of their household, and reducing teenage pregnancy and unnecessary abortion, NOW, THEREFORE,

Rep. Sindler moved the adoption of the amendment.

Representative(s) Bloom offered the following:

Amendment 1 to Amendment 1 (with title amendment)—On page 10, between lines 18 and 19, of the amendment

insert:

Section 4. *Legislative findings and intent.*—

(1) *The Legislature finds that:*

(a) *Each year, more than half of all pregnancies in this state are unintended.*

(b) Contraceptive services are part of basic health care, allowing families to both adequately space desired pregnancies and avoid unintended pregnancy.

(c) Contraceptives are highly cost effective, yielding from \$4 to \$14 dollars in savings for every dollar expended.

(d) By reducing rates of unintended pregnancy, contraceptives help reduce the need for abortions.

(e) Unintended pregnancies lead to higher rates of infant mortality, low birth weight, and maternal morbidity, and threaten the economic viability of families.

(f) Most women in this state of childbearing age rely on private employment-related insurance to cover their medical expenses.

(g) Most private insurers cover prescription drugs, but many exclude coverage for prescription contraceptives.

(h) The lack of contraceptive coverage in health insurance policies places many effective forms of contraceptives beyond the financial reach of many women, leading to unintended pregnancies.

(2) Therefore, the Legislature determines that creation of section 627.60461, Florida Statutes, by this act constitutes an important state interest.

Section 5. Section 627.64061, Florida Statutes, is created to read:

627.64061 Coverage for prescription contraceptives.—Any health insurance policy that provides coverage for outpatient prescription drugs shall cover prescription oral contraceptives approved by the federal Food and Drug Administration and prescribed by a practitioner authorized by state licensure to prescribe such medication. Coverage must be provided to the same extent and subject to the same contract terms, including copayments and deductibles, as any other prescription drug.

And the title is amended as follows:

On page 11, line 24, after the semicolon, of the amendment

insert: providing legislative findings and intent with respect to health insurance coverage for prescription contraceptives; creating s. 627.64061, F.S.; requiring any health insurance policy that provides coverage for outpatient prescription drugs to cover prescription oral contraceptives;

Rep. Bloom moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Yeas—35

Bloom	Effman	Jacobs	Reddick
Boyd	Eggelletion	Kosmas	Ritchie
Brennan	Fischer	Lippman	Ritter
Brown	Frankel	Mackenzie	Roberts-Burke
Bullard	Gay	Meek	Silver
Bush	Gottlieb	Miller	Stafford
Chestnut	Hafner	Minton	Tobin
Dawson-White	Heyman	Prewitt, D.	Wasserman Schultz
Dennis	Horan	Rayson	

Nays—67

The Chair	Bronson	Feeney	Littlefield
Albright	Brooks	Futch	Livingston
Alexander	Carlton	Goode	Logan
Andrews	Casey	Greene	Mackey
Argenziano	Constantine	Harrington	Maygarden
Arnall	Cosgrove	Hill	Melvin
Arnold	Crady	Jones	Merchant
Bainter	Crist	Kelly	Morroni
Ball	Culp	King	Morse
Bitner	Dockery	Lacasa	Murman
Bradley	Fasano	Lawson	Ogles

Peaden	Safley	Stabins	Villalobos
Posey	Saunders	Starks	Wallace
Pruitt, K.	Semler	Tamargo	Westbrook
Putnam	Sindler	Thrasher	Wise
Rodriguez-Chomat	Smith	Trovillion	Ziebarth
Rojas	Spratt	Valdes	

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Votes after roll call:

Yeas—Wiles
Nays—Byrd, Sublette
Nays to Yeas—Greene

Representative(s) Bloom offered the following:

Amendment 2 to Amendment 1—On page 5, line 16, of the amendment after “pregnant minor”

insert:

and to the parents of the minor male

Rep. Bloom moved the adoption of the amendment to the amendment.

Point of Order

Rep. Littlefield raised a point of order, under Rule 151, that the amendment was not germane.

Subsequently, Rep. Littlefield withdrew the point of order.

The question recurred on the adoption of Amendment 2 to Amendment 1, which was adopted.

Representative(s) Bloom offered the following:

Amendment 3 to Amendment 1—On page 5, between lines 23 & 24, of the amendment

insert:

(b) If the male is not a minor, the physician shall refer the male to the proper authorities as required under s. 794.05.

(Redesignate subsequent paragraphs)

Rep. Bloom moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Bloom and Frankel offered the following:

Amendment 4 to Amendment 1 (with title amendment)—On page 10, between lines 18 and 19, of the amendment

insert:

Section 4. Paragraph (t) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(t) Choose Life license plate, \$20.

Section 5. Subsection (20) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(20) CHOOSE LIFE LICENSE PLATES.—

(a) The department shall develop a Choose Life license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “Choose Life” must appear at the bottom of the plate.

(b) The proceeds from the annual use fees shall be used to pay court costs and attorneys’ fees associated with the procedures for judicial waiver of notice provided by s. 390.0111(5).

And the title is amended as follows:

On page 11, line 24, of the amendment after the semicolon

insert: amending ss. 320.08056 and 320.08058, F.S.; creating a Choose Life license plate; providing for the use of annual use fees received from the sale of such plates;

Rep. Bloom moved the adoption of the amendment to the amendment. Subsequently, **Amendment 4 to Amendment 1** was withdrawn.

Representative(s) Frankel and Brennan offered the following:

Amendment 5 to Amendment 1—On page 8, lines 6 and 7, remove from the amendment: all of said lines

and insert in lieu thereof:

(f) A confidential appeal shall be available within 24 hours, as the Supreme Court provides by rule, to any minor

Rep. Brennan moved the adoption of the amendment to the amendment, which failed of adoption.

Representative(s) Frankel and Brennan offered the following:

Amendment 6 to Amendment 1 (with title amendment)—On page 8, between lines 14 and 15, of the amendment

insert:

(h) Any minor injured, harmed, or killed as a result of the notice requirements of this section has a cause of action for injuries, physical or psychological, including wrongful death, brought by minor, a parent, or guardian against the State of Florida.

And the title is amended as follows:

On page 11, line 15, of the amendment

after the semicolon insert: providing for relief;

Rep. Brennan moved the adoption of the amendment to the amendment, which failed of adoption.

Representative(s) Frankel offered the following:

Amendment 7 to Amendment 1 (with title amendment)—On page 6, between lines 10 and 11, of the amendment

insert:

(c) A vasectomy may not be performed unless the person performing the vasectomy has given actual notice to the wife of the patient at least 48 hours prior to performing the vasectomy. However, a patient seeking a vasectomy may petition any circuit court for a waiver of the notice requirement. The petition shall include a statement that the patient has the ability to produce offspring, that he wishes to terminate that ability, and that notice to his wife could cause him serious physical or emotional harm.

And the title is amended as follows:

On page 11, line 14, of the amendment

after the semicolon insert: prohibiting performance of a vasectomy without specified notice; providing for waiver of notice;

Rep. Frankel moved the adoption of the amendment to the amendment.

Point of Order

Rep. Littlefield raised a point of order, under Rule 151, that the amendment was not germane.

Subsequently, Amendment 7 to Amendment 1 was withdrawn.

Representative(s) Frankel offered the following:

Amendment 8 to Amendment 1—On page 6, between lines 10 and 11, of the amendment

insert:

5. Notice is waived if the patient has a minor child dependant on her.

Rep. Frankel moved the adoption of the amendment to the amendment.

Further consideration of **Amendment 8 to Amendment 1** was temporarily postponed under Rule 147.

Representative(s) Frankel offered the following:

Amendment 9 to Amendment 1—On page 6, between lines 10 and 11, of the amendment

insert:

5. Notice is waived if the referring physician or physician performing the abortion documents in the patient's medical records that the minor is sufficiently mature to decide whether to terminate her pregnancy.

Rep. Frankel moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Yeas—40

Bloom	Edwards	Hill	Rayson
Brennan	Effman	Horan	Reddick
Brown	Eggelletion	Jacobs	Ritter
Bullard	Fischer	Kosmas	Rojas
Bush	Frankel	Lippman	Silver
Carlton	Gottlieb	Mackenzie	Stafford
Chestnut	Greene	Meek	Tobin
Crow	Hafner	Merchant	Turnbull
Dawson-White	Healey	Miller	Warner
Dennis	Heyman	Prewitt, D.	Wasserman Schultz

Nays—63

The Chair	Casey	Littlefield	Safley
Albright	Constantine	Lynn	Saunders
Alexander	Crady	Mackey	Sindler
Andrews	Crist	Maygarden	Smith
Argenziano	Dockery	Melvin	Spratt
Arnall	Fasano	Minton	Stabins
Arnold	Feeney	Morrioni	Starks
Bainter	Fuller	Morse	Tamargo
Ball	Futch	Murman	Thrasher
Barreiro	Gay	Ogles	Valdes
Bitner	Goode	Peaden	Villalobos
Boyd	Harrington	Posey	Wallace
Bradley	Jones	Pruitt, K.	Westbrook
Bronson	Kelly	Putnam	Wise
Brooks	King	Ritchie	Ziebarth
Byrd	Lacasa	Rodriguez-Chomat	

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Votes after roll call:

Yeas—Wiles

Nays—Logan, Roberts-Burke, Sublette

Representative(s) Frankel and Brown offered the following:

Amendment 10 to Amendment 1—On page 5, line 18, remove from the amendment: all of said line

and insert in lieu thereof: *referring physician. The person who performs or assists in the termination*

Rep. Frankel moved the adoption of the amendment to the amendment.

Further consideration of **Amendment 10 to Amendment 1** was temporarily postponed under Rule 147.

Representative(s) Frankel offered the following:

Amendment 11 to Amendment 1—On page 2, line 22, remove from the amendment: all of said line

and insert in lieu thereof: *irreversible impairment of health.*

Rep. Frankel moved the adoption of the amendment to the amendment.

Further consideration of **Amendment 11 to Amendment 1** was temporarily postponed under Rule 147.

Further consideration of **HB 3999**, with pending amendments, was temporarily postponed under Rule 147 and the bill retained its position on the Government Services Council Calendar.

CS/CS/HB 1093—A bill to be entitled An act relating to taxation of homes for the aged; amending s. 196.1976, F.S.; providing that the provisions of s. 196.1975, F.S., relating to the ad valorem tax exemption for nonprofit homes for the aged, are severable, rather than nonseverable; creating s. 196.1977, F.S.; providing an exemption for each apartment in certain continuing care facilities occupied by a person who holds a continuing care contract, who makes the apartment his or her permanent home, and who is not eligible for homestead exemption; providing procedures and requirements; providing legislative intent; providing an effective date.

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

Representative(s) Crist offered the following:

Amendment 1—On page 3, line 2, after “*benefit.*”, of the bill

insert: *The resident shall receive the full benefit derived from this exemption in either an annual or monthly credit to his or her unit's monthly maintenance fee.*

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

Under Rule 127, the bill was referred to the Engrossing Clerk.

Academic Excellence Council Calendar

Bills and Joint Resolutions on Third Reading

HB 4163—A bill to be entitled An act relating to postsecondary education; amending s. 240.61, F.S., relating to the college reach-out program; revising the criteria for participating in the college reach-out program; requiring the Postsecondary Education Planning Commission to determine the frequency of certain assessments; revising the reporting date; repealing ss. 240.154 and 240.278, F.S., relating to proposals for undergraduate enhancement and the Quality Assurance Fund; providing an effective date.

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

Yeas—113

The Chair	Brown	Edwards	Heyman
Albright	Bullard	Effman	Hill
Alexander	Bush	Fasano	Horan
Andrews	Byrd	Feeney	Jacobs
Argenziano	Carlton	Fischer	Jones
Arnall	Casey	Frankel	Kelly
Bainter	Chestnut	Fuller	King
Ball	Clemons	Futch	Kosmas
Barreiro	Constantine	Garcia	Lacasa
Bitner	Cosgrove	Gay	Lawson
Bloom	Crady	Goode	Lippman
Boyd	Crist	Gottlieb	Littlefield
Bradley	Crow	Greene	Livingston
Brennan	Culp	Hafner	Logan
Bronson	Dennis	Harrington	Lynn
Brooks	Dockery	Healey	Mackenzie

Mackey	Prewitt, D.	Sembler	Turnbull
Maygarden	Pruitt, K.	Silver	Valdes
Meek	Putnam	Sindler	Villalobos
Melvin	Rayson	Smith	Wallace
Merchant	Reddick	Spratt	Warner
Miller	Ritchie	Stabins	Wasserman Schultz
Minton	Ritter	Stafford	Westbrook
Morrioni	Roberts-Burke	Starks	Wiles
Morse	Rodriguez-Chomat	Sublette	Wise
Murman	Rojas	Tamargo	Ziebarth
Ogles	Safley	Thrasher	
Peaden	Sanderson	Tobin	
Posey	Saunders	Trovillion	

Nays—1

Arnold

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Votes after roll call:

Yeas—Betancourt

Nays to Yeas—Arnold

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

Bills and Joint Resolutions on Second Reading

HB 4747—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.40201, F.S.; providing responsibilities of school principals; revising provisions relating to payment for awards; amending s. 240.40202, F.S.; providing additional student eligibility requirements for an initial award; amending s. 240.40205, F.S.; revising student eligibility requirements for receipt of a Florida Academic Scholars award; specifying fees for which payment may be made; amending s. 240.40206, F.S.; revising student eligibility requirements for receipt of a Florida Merit Scholars award; specifying fees for which payment may be made; amending s. 240.40207, F.S.; restricting the use of a Florida Gold Seal Vocational Scholars award; specifying fees for which payment may be made; revising provisions relating to transfer of awards and providing requirements; amending s. 240.40208, F.S., to conform; providing an effective date.

—was read the second time by title.

Representative(s) Miller and Silver offered the following:

Amendment 1 (with title amendment)—On page 1, strike everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (1), (3) and (5) of section 240.40201, Florida Statutes, are amended to read:

240.40201 Florida Bright Futures Scholarship Program.—

(1)(a) The Florida Bright Futures Scholarship Program is created to establish a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement, *who demonstrates a financial need*, and who enrolls in an eligible Florida public or private postsecondary education institution within 3 years of graduation from high school.

(b) *The criteria and procedure for establishing standards of financial need eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, and such system shall include a certification of acceptability by the state university or community college of the applicant's choice and the use of a nationally recognized system of need analysis. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, taking into consideration the receipt of Pell Grants and student contributions to educational costs.*

(3) The Department of Education shall administer the Bright Futures Scholarship Program according to rules and procedures established by the Commissioner of Education. A single application must be sufficient for a student to apply for any of the three types of awards. The department must advertise the availability of the scholarship program and must notify students, teachers, parents, guidance counselors, and principals or other relevant school administrators of the criteria and application procedures. The department must begin this process of notification no later than January 1 of each year. *Principals are responsible for ensuring that guidance counselors or other relevant school administrators adequately advise students regarding the options available to the student through the Bright Futures Scholarship Program.*

(5)(a) *Following the drop/add period each semester, an education institution shall certify to the department the award amount necessary for each student eligible to receive an award. Upon receipt of the certifications, the department shall transmit payment for the awards to the president or the director of the institution or the designee of the president or the director. The department shall issue awards from the scholarship program annually. Annual awards may be for up to 45 semester credit hours or the equivalent. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this act.*

(a) ~~Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, An institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the department if a student who receives an award disbursement terminates enrollment for any reason during an academic term and a refund is permitted by the institution's refund policy.~~

(b) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(c) Each institution that receives moneys through this program shall prepare an annual report that includes an independent external audit or an audit prepared by the Office of the Auditor General. The report shall include an audit of the institution's administration of the program and a complete accounting of the moneys for the program. This report must be submitted to the department annually by March 1. The department may conduct its own annual audit of an institution's administration of the program. The department may request a refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

Section 2. Paragraph (g) is added to subsection (1) of section 240.40202, Florida Statutes, to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(g) *Submit to the United States Department of Education a completed Free Application for Federal Student Aid and permit release of the information to the state.*

Section 3. Subsections (1) and (2) of section 240.40205, Florida Statutes, as amended by chapter 97-379, Laws of Florida, are amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 240.40202, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) ~~has attained at least a the score of 1270 identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program, or an equivalent score on an equivalent test as determined by the Department of Education; or~~

(b)(c) Has attended a home education program according to s. 232.02(4) during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least a the score of 1270 identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program, or an equivalent score on an equivalent test as determined by the Department of Education; or

(c)(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(d)(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist.

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(2) A Florida Academic Scholar who is enrolled in a public postsecondary education institution is eligible for an award equal to the amount required to pay ~~registration matriculation~~, fees, and \$600 for college-related expenses annually. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average ~~registration matriculation and~~ fees of a public postsecondary education institution at the comparable level, plus the annual \$600. *For purposes of this award, registration fees at a public postsecondary education institution include the following fees if authorized by the Legislature and assessed by the institution: matriculation fee, financial aid fee, building fee, capital improvement fee, health fee, athletic fee, activity and service fee, and technology fee.*

Section 4. Subsections (1) and (2) of section 240.40206, Florida Statutes, as amended by chapter 97-379, Laws of Florida, are amended to read:

240.40206 Florida Merit Scholars award.—

(1) A student is eligible for a Florida Merit Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 240.40202, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

~~(b) has attained at least the score of 970 identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program, or an equivalent score on an equivalent test as determined by the Department of Education; or~~

~~(b)(e) Has attended a home education program according to s. 232.02(4) during grades 11 and 12 or Has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma; and has attained at least the score of 970 identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program, or an equivalent score on an equivalent test as determined by the Department of Education; or~~

(c) Has completed a college-preparatory curriculum through a registered home education program and has attained a score of 970 on the combined verbal and quantitative parts of the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program. Eligibility shall be determined in the same manner as for public school students. For students whose parents do not document a college-preparatory curriculum, a score of 1070 on the combined verbal and quantitative part of the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program, shall be required for award eligibility.

(2) A Florida Merit Scholar is eligible for an award equal to the amount required to pay 75 percent of ~~registration matriculation and~~ fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the ~~registration matriculation and~~ fees of a public postsecondary education institution at the comparable level. *For purposes of this award, registration fees at a public postsecondary education institution include the following fees if authorized by the Legislature and assessed by the institution: matriculation fee, financial aid fee, building fee, capital improvement fee, health fee, athletic fee, activity and service fee, and technology fee.*

Section 5. Section 240.40207, Florida Statutes, as amended by chapter 97-379, Laws of Florida, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education. *Effective fall 1999, a Florida Gold Seal Vocational Scholars award may not be used at a baccalaureate degree-granting institution unless the award is a renewal of an initial award issued prior to fall 1999.*

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Completes the secondary school portion of a sequential program of studies that requires at least three secondary school vocational credits taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by the Occupational Forecasting Conference or the Workforce Development Board of Enterprise Florida for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. On-the-job training may not be substituted for any of the three required vocational credits.

(b) Demonstrates readiness for postsecondary education by earning a passing score on the Florida College Entry Level Placement Test or its equivalent as identified by the Department of Education.

(c) Earns a minimum cumulative weighted grade point average of 3.0, as calculated pursuant to s. 240.40202, on all subjects required for a standard high school diploma, excluding elective courses.

(d) Earns a minimum unweighted grade point average of 3.5 on a 4.0 scale for secondary vocational courses comprising the vocational program.

(e) Completes the requirements of a vocational-ready diploma program, as defined by rules of the State Board of Education.

(2) A Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount required to pay 75 percent of ~~registration matriculation and~~ fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the ~~registration matriculation and mandatory~~ fees of a public postsecondary education institution at the comparable level. *For purposes of this award, registration fees at a public postsecondary education institution include the following fees if authorized by the Legislature and assessed by the institution: matriculation fee, financial aid fee, building fee, capital improvement fee, health fee, athletic fee, activity and service fee, and technology fee.*

(3) To be eligible for a renewal award as a Florida Gold Seal Vocational Scholar, a student must maintain the equivalent of a grade point average of 2.75 on a 4.0 scale for all postsecondary education work attempted, with an opportunity for reinstatement one time as provided in this act.

(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. ~~A Florida Gold Seal Scholar who has a cumulative grade point average of 2.75 in all postsecondary education work attempted may apply for a Florida Merit Scholars award at any renewal period. All other provisions of that Program apply, and the credit hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.~~

(5) Upon successful completion of a postsecondary education program pursuant to paragraph (1)(a), an award recipient who meets the renewal criteria in subsection (3) and enrolls in an associate or baccalaureate degree program at an eligible postsecondary education institution is eligible to transfer to the Florida Merit Scholars award component of the Bright Futures Scholarship Program. All other provisions of that component of the program apply.

Section 6. Subsection (1) of section 240.40208, Florida Statutes, as amended by chapter 97-379, Laws of Florida, is amended to read:

240.40208 Eligibility for the Florida Bright Futures Scholarship Program; transition.—

(1) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Undergraduate Scholar's Program pursuant to s. 240.402 is eligible for the Florida Academic Scholars award as provided in this act. A student who graduates from high school in 1998 or 1999 is eligible for the Florida Academic Scholars award if the student meets the criteria in s. 240.40205. However, in lieu of satisfying the requirements set forth in s. 240.40205(1)(a) ~~and (b)~~, a student may meet the following criteria:

(a) Complete a program of at least 24 credits in advanced-level studies as prescribed by the State Board of Education, including as a minimum:

1. Four years of progressively advanced instruction in language arts, including courses in English composition and literature.

2. Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics where laboratory facilities are available.

3. Four years of progressively advanced instruction in mathematics, including courses in algebra, geometry, and calculus or trigonometry.

4. Two years of sequential foreign language.

5. One year of instruction in art and music or in either art or music.

6. Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems.

7. One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.

(b) Obtain at least the equivalent of an unweighted grade point average of 3.0 on a 4.0 scale for all courses taken for which high school credit may be granted.

(c) Achieve a score of 1180 on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program or an equivalent program.

(d) Complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Students who graduate from high school after 1999 must meet the eligibility criteria pursuant to s. 240.40205.

Section 7. This act shall take effect July 1 of the year in which enacted.

And the title is amended as follows:

On page 1, lines 1 through 22,
remove from the title of the bill: all of said lines

and insert in lieu thereof: A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.40201, F.S.; providing for criteria for need based scholarships; providing responsibilities of school principals; revising provisions relating to payment for awards; amending s. 240.40202, F.S.; providing additional student eligibility requirements for an initial award; amending s. 240.40205, F.S.; revising student eligibility requirements for receipt of a Florida Academic Scholars award; specifying fees for which payment may be made; amending s. 240.40206, F.S.; revising student eligibility requirements for receipt of a Florida Merit Scholars award; specifying fees for which payment may be made; amending s. 240.40207, F.S.; restricting the use of a Florida Gold Seal Vocational Scholars award; specifying fees for which payment may be made; revising provisions relating to transfer of awards and providing requirements; amending s. 240.40208, F.S., to conform; providing an effective date.

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

Under Rule 127, the bill was referred to the Engrossing Clerk.

REPRESENTATIVE CRADY IN THE CHAIR

HB 4281—A bill to be entitled An act relating to school improvement and education accountability; amending ss. 229.592 and 230.23, F.S.; providing for the organization of Florida Distinguished Educator School Improvement Teams; providing for technical assistance and training for schools operating under an assistance and intervention plan; providing for the use of Florida Distinguished Educator School Improvement Teams to assist in the development and implementation of school improvement plans and assistance and intervention plans; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

CS/CS/HB 1751—A bill to be entitled An act relating to education; creating s. 228.0561, F.S.; authorizing charter conversion municipal subdistricts; providing requirements; providing for areas of municipal jurisdiction; providing an effective date.

—was read the second time by title.

Representative(s) Andrews offered the following:

Amendment 1 (with title amendment)—On page 1, line 9, of the bill

insert:

Section 1. Paragraph (b) of subsection (13) of section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(13) REVENUE.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a chartered developmental research school shall be as provided in s. 228.053(9).

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school will be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. *The taxation authority of any county, municipality, or special district shall not be used to provide additional operational revenues to any charter school.*

And the title is amended as follows:

On page 1, line 2,

after the semicolon insert: amending s. 228.056, F.S., relating to charter schools; prohibiting the use of certain tax revenues for operational expenses of charter schools;

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

Representative(s) Andrews offered the following:

Amendment 2—On page 1, lines 18 and 19,
remove from the bill: *a municipally appointed charter school board*

and insert in lieu thereof: *the charter school governing body which is appointed by the governing body of the municipality, the governing bodies of the municipalities, or the governing body of an unincorporated area, or any combination thereof*

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

Under Rule 127, the bill was referred to the Engrossing Clerk.

Justice Council Calendar

Bills and Joint Resolutions on Third Reading

CS/HB 3327—A bill to be entitled An act relating to sexual predators; creating the “Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators’ Treatment and Care Act”; creating s. 916.30, F.S.; providing findings and intent; creating s. 916.31, F.S.; providing definitions; creating s. 916.32, F.S.; requiring certain notice to the state attorney of anticipated release of specified persons who may meet the criteria for a sexually violent predator; requiring provision of certain records and information by the agency with jurisdiction to the state attorney; providing certain immunity from liability of the agency with jurisdiction, the state attorney, and their employees and service providers; creating s. 916.33, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.34, F.S.; providing for determination of probable cause and taking respondent into custody; providing for transfer of the respondent to a secure facility for evaluation under specified circumstances when the court finds probable cause to believe that the respondent is a sexually violent predator; creating s. 916.35, F.S.; providing for trial on the issue of whether a person is a sexually violent predator; creating s. 916.36, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.37, F.S.; requiring annual examination of persons committed; creating s. 916.38, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; providing that the Department of Children and Family Services is responsible for specified evaluation and treatment costs; providing for reimbursement; providing for court orders for certain disclosures to the department by the committed person of income and assets; providing for imposition and assessment of certain financial liabilities for payment of daily subsistence and treatment costs based on specified criteria; providing for notice and contest of the assessment; providing for survival of the order directing payment against the person’s estate; creating s. 916.41, F.S.; providing for notice to victims; creating s. 916.42, F.S.; providing severability; creating s. 916.43, F.S.; providing for access to certain records; providing an effective date.

—was read the third time by title.

Representative(s) Villalobos offered the following:

Amendment 4—On page 7, line 28, of the bill

after the word “be” insert:
taken into custody and

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

The question recurred on the passage of CS/HB 3327. The vote was:

Yeas—115

The Chair	Bullard	Fischer	Kosmas
Albright	Bush	Frankel	Lacasa
Alexander	Byrd	Fuller	Lawson
Andrews	Carlton	Futch	Lippman
Argenziano	Casey	Garcia	Littlefield
Arnall	Chestnut	Gay	Livingston
Arnold	Clemons	Goode	Logan
Bainter	Constantine	Gottlieb	Lynn
Ball	Cosgrove	Greene	Mackenzie
Barreiro	Crist	Hafner	Mackey
Betancourt	Crow	Harrington	Maygarden
Bitner	Dawson-White	Healey	Meek
Bloom	Dennis	Heyman	Melvin
Boyd	Dockery	Hill	Merchant
Bradley	Edwards	Horan	Miller
Brennan	Effman	Jacobs	Minton
Bronson	Eggelletion	Jones	Morrone
Brooks	Fasano	Kelly	Morse
Brown	Feeney	King	Murman

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

Nays—None

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

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

CS/HB 3733—A bill to be entitled An act relating to offenders under correctional supervision; amending s. 947.1405, F.S., relating to conditional release; providing that a conditional releasee must submit to searches of his or her person, property, or residence as requested by a correctional probation officer; reenacting s. 775.084(4)(i), F.S., relating to habitual felony offenders and habitual violent felony offenders, to incorporate said amendment in a reference; amending s. 947.18, F.S., relating to conditions of parole; providing that a parolee must submit to searches of his or her person, property, or residence as requested by a correctional probation officer; amending s. 947.22, F.S.; providing for issuance of arrest warrant for a parole violator by a correctional probation officer, under specified circumstances; authorizing a correctional probation officer to arrest without warrant a parolee, control releasee, or conditional releasee, or to search or request search by a law enforcement officer of the parolee or releasee’s person, property, or residence, under specified circumstances if there are reasonable grounds to believe a violation has occurred or if there are reasonable grounds to believe the parolee or releasee possesses prohibited items; providing that evidence is admissible at a hearing for violation of supervision even if no reasonable ground for seizure exists; amending s. 948.03, F.S., relating to probation and community control; requiring a probationer or community controllee on supervision to submit to certain searches of his or her person, property, or residence; prohibiting a probationer or community controllee from having “contact,” as defined, with the victim unless authorized by the court; reenacting s. 947.23(6), F.S., relating to action of Parole Commission upon arrest of parolee, s. 948.001(5), F.S., relating to definition of “probation” with respect to chapter 948, F.S., and s. 958.03(4), F.S., relating to definition of “probation” with respect to specified provisions in chapter 958, F.S., to incorporate said amendment in references; amending s. 948.06, F.S., relating to violations of probation or community control; authorizing law enforcement officers and probation or community control officers to search without a warrant the person, property, or residence of any of specified offenders under certain circumstances; prohibiting the exclusion or suppression of evidence from trials for subsequent offenses by offenders on probation, parole, conditional release, or community control under certain circumstances when there were “reasonable grounds,” defined as the reasonable suspicion standard, to believe that at the time of the search the offender violated the law or the terms of supervision; providing that evidence is admissible at a hearing for violation of supervision even if no reasonable ground for seizure exists; prohibiting the exclusion or suppression of evidence from hearings for violation of supervision of offenders on probation, parole, conditional release, or community control; reenacting s. 948.01(9), (11)(b), and (13)(b), F.S., relating to circumstances when a court may place a defendant on probation or into community control, and s. 958.14, F.S., relating to violation of probation or community control program, to incorporate said amendment in references; providing an effective date.

—was taken up, having been read the third time on April 16.

On motion by Rep. Byrd, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Byrd, Logan, Eggleton, and Roberts-Burke offered the following:

Amendment 2 (with title amendment)—On page 11, lines 7 and 8, remove from the bill: said lines

and insert in lieu thereof: *community control officer. The offender must be given actual notice that he or she must consent to a search and that evidence seized may be used against the offender in a trial of a new substantive offense. Such notice must be given orally and in writing by the court and by a probation or*

And the title is amended as follows:

On page 2, line 6,

after “residence;”, insert: requiring notice to offender to be provided;

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

On motion by Rep. Byrd, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Byrd, Logan, Eggleton, and Roberts-Burke offered the following:

Amendment 3 (with title amendment)—On page 15, line 27, through page 16, line 12, remove from the bill: all of said lines

and insert in lieu thereof:

(8) Notwithstanding subsection (1), a probation or community control officer may not search, or authorize the search of, a residence without consent of the offender or a warrant issued by a judge, unless there are reasonable grounds to believe the offender violated a condition of community control or probation, or committed a new violation of law, and at least one of the following applies:

(a) The approval of the supervisor of the probation or community control officer is obtained;

(b) There are exigent circumstances, such as, but not limited to, suspicion the offender will destroy contraband or use a weapon, which require that the search be conducted without approval; or

(c) The search was conducted with the assistance of a certified law enforcement officer.

(9) A written record of all searches of a residence conducted pursuant to subsection (8) shall be prepared by the probation or community control officer who conducted the search, or who requested a certified law enforcement officer to conduct the search of a residence. The report shall state:

(a) The identity of the offender living at the residence searched;

(b) The identity of the probation or community control officer who conducted or requested the search;

(c) The date, time, and place of the search;

(d) The reason for the search;

(e) Any items seized pursuant to the search; and

(f) Whether any damage was done to the residence or property during the search.

(10) For the purposes of a search of the person property, or residence of a person on probation, parole, conditional release, or community control, the term “reasonable grounds” means that the reasonable suspicion standard applies. In determining whether reasonable grounds exist, the correctional probation officer shall consider any of the following factors, including but not limited to:

(a) The observations of alleged suspicious behavior by correctional probation officers or law enforcement officers.

(b) Information provided by informants.

(c) The reliability of the information provided by an informant. In evaluating the reliability of the information, the correctional probation officers shall give attention to the detail, consistency and corroboration of the information provided by the informant.

(d) The reliability of the informant. In evaluating the informant’s reliability, attention shall be given to whether the informant has supplied reliable information in the past and whether the informant has reason to supply inaccurate information.

(e) The activity of the offender that relates to whether the offender might possess contraband or might have used or be under the influence of an intoxicating substance.

(f) Information provided by the offender that is relevant to whether the offender has used, possesses or is under the influence of an intoxicating substance or possesses any other contraband.

(g) The experience of a correctional probation officer with that offender.

(h) Prior seizures of contraband from the offender.

(i) The need to verify compliance with rules of supervision and state and federal law.

(11) Evidence may not be excluded or suppressed from the trial of a new substantive offense if:

(a) The defendant was on probation, parole, conditional release, or community control at the time of the offense; and

(b) The search was conducted when there were reasonable grounds to believe that the offender was in violation of the law or in violation of the terms of probation, parole, conditional release, or community control.

(12) Evidence may not be excluded or suppressed from a hearing for a violation of probation, parole, conditional release, or community control.

And the title is amended as follows:

On page 2, lines 23 through 29 remove from the title of the bill: all of said lines

and insert in lieu thereof: under certain circumstances; limiting authority for searches of residences; requiring report when residence is searched; defining reasonable grounds; prohibiting the exclusion or suppression of evidence from trials for subsequent offenses by offenders on probation, parole, conditional release, or community control under certain circumstances when there were “reasonable grounds,” to

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

On motion by Rep. Byrd, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Byrd offered the following:

Amendment 4—On page 13, lines 12 through 14, remove from the bill: all of said lines

and insert in lieu thereof:

Section 7. Subsection (1) of section 948.06, Florida Statutes, is amended, and subsections (8), (9), (10), (11) and (12) are added to said section, to read:

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

On motion by Rep. Byrd, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Byrd, Logan, Eggleton, and Roberts-Burke offered the following:

Amendment 5—On page 16, line 6, before the word *For*

Insert: (d) *This subsection is not intended to expand the definition of the term "constructive possession" as provided by law.*

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

The question recurred on the passage of CS/HB 3733. The vote was:

Yeas—113

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

Nays—None

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

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

THE SPEAKER IN THE CHAIR

CS/HB 1381—A bill to be entitled An act relating to collection of court costs and fines; creating the "Comprehensive Court Enforcement Program Act"; providing legislative intent; creating s. 938.30, F.S.; providing for supplementary proceedings for enforcement of court-ordered payment of financial obligations in criminal cases; providing for examination under oath regarding a person's ability to pay financial obligations in a criminal case; providing for reduction of the obligation based on a person's ability to pay; providing for service or actual notice of orders to appear; providing for taking of testimony; providing for orders that nonexempt property in the hands of another be applied toward satisfying an obligation; providing for a judgment of civil lien; providing for applicability of the Uniform Fraudulent Transfer Act in certain collection matters; providing or payment schedules; providing for civil contempt sanctions for failure to appear or comply with certain orders; providing for specified enforcement costs and fees and attorney's fees to be assessed to offset the costs of operating the program; providing for the use of special masters; providing that the clerk of court shall make quarterly reports to the chief judge; permitting county commissions to refer certain court-imposed financial obligations to collection agents; permitting use of the new provisions in addition to or in lieu of other provisions of law; providing for certain court orders; providing an effective date.

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

Yeas—114

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

Nays—None

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

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

CS/HB 3373—A bill to be entitled An act relating to pretrial detention; amending s. 907.041, F.S.; revising criteria for pretrial detention; deleting requirement for additional court findings for pretrial detention; permitting pretrial detention for any violation of conditions of pretrial release or bond which, in the discretion of the court, supports a finding that no condition of release can reasonably protect the community from physical harm, assure the presence of the accused at trial, or assure the integrity of the judicial process; deleting limitation upon detention period when detention is based on threat of harm to the community; authorizing a court to detain a defendant at a bail hearing without separate hearing or motion for pretrial detention; authorizing the state to orally move for pretrial detention anytime the defendant is before the court for a bail hearing; providing for construction; repealing Rules 3.131 and 3.132, Florida Rules of Criminal Procedure, relating to pretrial release and pretrial detention, to the extent of inconsistency with the act; amending s. 901.31, F.S.; providing an effective date.

—was read the third time by title.

The Committee on Rules, Resolutions, & Ethics offered the following:

Technical Amendment 4—On page 1, line 25,

after "F.S.;" insert:
 providing for cancellation of bond under certain circumstances;
 On page 4, line 13,
 remove from the bill: the comma

and insert in lieu thereof: *or*

Reps. Thrasher and Crady moved the adoption of the amendment, which was adopted.

The question recurred on the passage of CS/HB 3373. The vote was:

Yeas—115

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

Nays—None

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

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

Continuation of Government Services Council Calendar

Bills and Joint Resolutions on Second Reading

HR 9087—A resolution supporting enactment of legislation to facilitate the rapid approval of new drugs, biological products, and medical devices.

WHEREAS, improving patient access to quality health care is a paramount national goal, and

WHEREAS, the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices, and

WHEREAS, minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans, and

WHEREAS, current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals, and patients, and unfairly limit the right of free speech guaranteed by the First Amendment to the United States Constitution, and

WHEREAS, the current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive, NOW, THEREFORE,

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

That the Florida House of Representatives supports the enactment of comprehensive federal legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness.

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

On motion by Rep. Arnall, the resolution was adopted. The vote was:

Yeas—113

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

Nays—None

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Continuation of Justice Council Calendar

Bills and Joint Resolutions on Second Reading

HB 1269—A bill to be entitled An act relating to vehicular homicide; amending s. 782.071, F.S.; redefining the offense of “vehicular homicide” to include the killing of an unborn quick child by any injury to the mother which would be vehicular homicide if it resulted in the death of the mother; providing penalties; reenacting ss. 921.0012(3)(h) and 960.03(3), F.S., relating to the offense severity ranking chart and the definition of “crime” with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0012, F.S., relating to the offense severity ranking chart, to conform terminology; providing an effective date.

—was read the second time by title.

The Committee on Rules, Resolutions, & Ethics offered the following:

Technical Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—“Vehicular homicide” is the killing of a human being, or the killing of an unborn quick child by any injury to the mother of such child which would be vehicular homicide if it resulted

in the death of such mother, by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is:

(1) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 316.062.

This subsection does not require that the person knew that the accident resulted in injury or death.

Section 2. For the purpose of incorporating the amendment to section 782.071, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(h) LEVEL 8
316.193		
(3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.071(2)	2nd	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	2nd	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
827.03(2)	2nd	Aggravated child abuse.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

Florida Statute	Felony Degree	Description
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135		
(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135		
(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135		
(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135		
(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135		
(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.

960.03 Definitions.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(a) A felony or misdemeanor offense committed by either an adult or a juvenile which results in physical injury or death. The term also includes any such criminal act which is committed within this state but which falls exclusively within federal jurisdiction.

(b) A violation of s. 316.193, s. 316.027(1), or s. 782.071(2), which results in physical injury or death; however, no other act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

(c) A criminal act committed outside of this state against a resident of this state that would have been compensable if it had occurred in this state and that occurred in a state that does not have an eligible crime victim compensation program as the term is defined in the federal Victims of Crime Act of 1984.

(d) An act of mass violence or an act of international terrorism, as defined in 18 U.S.C. s. 2331, that is committed outside of the territorial boundaries of the United States upon a resident of this state, when such act results in physical injury or death and the person is not eligible for compensation under Title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

Section 3. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
316.193(3)(c)2.	3rd	(g) LEVEL 7 DUI resulting in serious bodily injury.	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
409.920(2)	3rd	Medicaid provider fraud.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
782.071	3rd	Killing of human being <i>or unborn child</i> by the operation of a motor vehicle in a reckless manner (vehicular homicide).	893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
782.072	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.			
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.			
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.			
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.			
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.			
784.081(1)	1st	Aggravated battery on specified official or employee.			
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.			
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).			
790.16(1)	1st	Discharge of a machine gun under specified circumstances.			
796.03	2nd	Procuring any person under 16 years for prostitution.			
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.			
806.01(2)	2nd	Maliciously damage structure by fire or explosive.			
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.			
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.			
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.			
812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.			
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.			
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.			
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.			
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.			
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.			
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.			
827.04(4)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.			
872.06	2nd	Abuse of a dead human body.			

Section 4. This act shall take effect October 1 of the year in which enacted, and shall apply to offenses committed on or after that date.

And the title is amended as follows:

On page 1, lines 8-14,
remove from the title of the bill: all of said lines

and insert in lieu thereof: penalties; reenacting ss. 921.0022(3)(h) and 960.03(3), F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense

Rep. Healey moved the adoption of the amendment.

Representative(s) Healey offered the following:

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

and insert in lieu thereof:

Section 1. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—"Vehicular homicide" is the killing of a human being, *or the killing of a viable fetus by any injury to the mother of such child which would be vehicular homicide if it resulted in the death of such mother*, by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is:

(1) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 316.062.

This subsection does not require that the person knew that the accident resulted in injury or death. *A right of action for civil damages shall exist under s. 768.19, under all circumstances, for all deaths described in this section. For the purposes of this section, a "viable fetus" is defined as that point in time when the fetus becomes capable of meaningful life outside the womb through standard medical measures.*

Section 2. For the purpose of incorporating the amendment to section 782.071, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
(h) LEVEL 8		
316.193		
(3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.071(2)	2nd	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	2nd	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
827.03(2)	2nd	Aggravated child abuse.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135		
(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135		
(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135		
(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135		
(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135		
(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.

Florida Statute	Felony Degree	Description
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.

960.03 Definitions.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(a) A felony or misdemeanor offense committed by either an adult or a juvenile which results in physical injury or death. The term also includes any such criminal act which is committed within this state but which falls exclusively within federal jurisdiction.

(b) A violation of s. 316.193, s. 316.027(1), or s. 782.071(2), which results in physical injury or death; however, no other act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

(c) A criminal act committed outside of this state against a resident of this state that would have been compensable if it had occurred in this state and that occurred in a state that does not have an eligible crime victim compensation program as the term is defined in the federal Victims of Crime Act of 1984.

(d) An act of mass violence or an act of international terrorism, as defined in 18 U.S.C. s. 2331, that is committed outside of the territorial boundaries of the United States upon a resident of this state, when such act results in physical injury or death and the person is not eligible for compensation under Title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

Section 3. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
(g) LEVEL 7		
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
409.920(2)	3rd	Medicaid provider fraud.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	3rd	Killing of human being <i>or viable fetus</i> by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.

Florida Statute	Felony Degree	Description
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(4)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

Section 4. This act shall take effect October 1 of the year in which enacted, and shall apply to offenses committed on or after that date.

And the title is amended as follows:

On page 1, lines 5-14
remove from the title of the bill: all of said lines

and insert in lieu thereof: a viable fetus by any injury to the mother which would be vehicular homicide if it resulted in the death of the mother; providing a right of action for civil damages; providing a definition; providing penalties; reenacting ss. 921.0022(3)(h) and 960.03(3), F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense

Rep. Healey moved the adoption of the substitute amendment, which was adopted.

Under Rule 127, the bill was referred to the Engrossing Clerk.

HB 3217—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize" and "related services"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; requiring the department to state whether and why privatization is infeasible in a particular district and how the department will address the obstacles to its feasibility; providing requirements for and restrictions upon funding for privatization; providing for a model program to be initiated in a specified district; requiring the department to contract with the sheriffs in that district for the provision of protective investigative services; providing for funding; providing an effective date.

—was read the second time by title.

The Committee on Family Law & Children offered the following:

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

and insert in lieu thereof:

Section 1. Section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(1) It is the intent of the Legislature ~~that to encourage~~ the Department of Children and Family Services ~~shall privatize the provision of to contract with competent community-based agencies to provide~~ foster care and related services statewide. *As used in this section, the term "privatize" means to contract with competent, community-based agencies. The department shall submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan is to be submitted by July 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the minority leaders of both houses. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a*

district in which privatization cannot be accomplished within the 3 years' timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total privatization, such as public private partnerships. As used in this section, the term "related services" means ~~By privatizing these services, the support and commitment of communities to the reunification of families and care of children and their families will be strengthened, and efficiencies as well as increased accountability will be gained. These services may include family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, postadjudication legal services, foster care supervision, postadjudication case management, postplacement supervision, permanent foster care, family reunification, the filing of a petition for the termination of parental rights, and adoption. Unless otherwise provided for, beginning in fiscal year 1999 - 2000, either the State Attorney or the Office of the Attorney General shall provide child welfare legal services, pursuant to Chapter 39, and other relevant provisions, in Sarasota, Pinellas, Pasco, and Manatee Counties. Such legal services shall commence upon and be effective, as soon as determined reasonably feasible by the respective State Attorney or the Office of the Attorney General, after the privatization of associated programs and child protective investigations has occurred. When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the privatization project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.~~

(2) The department may contract for the delivery, administration, or management of protective services, the services specified in subsection (1) relating to foster care, and other related services or programs, as appropriate. The department shall retain responsibility for the quality of contracted services and programs and shall ensure that services are delivered in accordance with applicable federal and state statutes and regulations.

(3)(a) ~~The department shall establish a quality assurance program for privatized the privatization of services. The quality assurance program may be performed by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or the Council on Accreditation of Rehabilitation Facilities (CARF). The department shall develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted to have limited flexibility to use funds for improving quality assurance. To this end, effective January 1, 2000, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed \$300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this paragraph may be established, notwithstanding ss. 216.262(1)(a) and 216.351. The quality assurance program must include standards for each specific component of these services. The department, in consultation with the community-based agencies that are undertaking the privatized projects, shall establish minimum thresholds for each component of service, consistent with standards established by the Legislature. Each program operated under pursuant to contract with a community-based agency must be evaluated annually by the department or by an objective competent entity designated by the department under the provisions of the quality assurance program. The~~

~~evaluation must be financed from cost savings associated with the privatization of services. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year, beginning in 1998. The quality assurance program must be funded through administrative savings generated by this act.~~

~~(b) The department shall establish and operate a comprehensive system to measure and report annually the outcomes and effectiveness of the services that have been privatized. The department shall use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the child welfare system.~~

(4)(a) The community-based agency must comply with statutory requirements and agency ~~rules regulations~~ in the provision of contractual services. Each foster home, therapeutic foster home, emergency shelter, or other placement facility operated by the community-based agency or agencies must be licensed by the Department of Children and Family Services under chapter 402 or this chapter. Each community-based agency must be licensed as a child-caring or child-placing agency by the department under this chapter. ~~The department, in order to eliminate or reduce the number of duplicate inspections by various program offices, shall coordinate inspections required pursuant to licensure of agencies under this section.~~

~~(b) A community-based agency providing contractual services under this section may be issued a Medicaid provider number pursuant to s. 409.907 to enable the agency to maximize federal support for these services under the state's Medicaid plan. A community-based agency must also participate in and cooperate with any federal program that will assist in the maximization of federal support for those services, as directed by the department.~~

(5) ~~Beginning January 1, 1999, and continuing at least through December 31, 1999, the Department of Children and Family Services shall privatize all foster care and related services in district 5 while continuing to contract with the current model programs in districts 1, 4, and 13, and in subdistrict 8A, and shall expand the subdistrict 8A pilot program to incorporate Manatee County. Planning for the district 5 privatization shall be done by providers that are currently under contract with the department for foster care and related services and shall be done in consultation with the department. A lead provider of the district 5 program shall be competitively selected and must demonstrate the ability to provide necessary comprehensive services through a local network of providers. Beginning in fiscal year 1996-1997, the Department of Children and Family Services shall establish a minimum of five model programs. These models must be established in the department's districts 1, 4, and 13; in subdistrict 8A; and in a fifth district to be determined by the department, with the concurrence of the appropriate district health and human services board. For comparison of privatization savings, the fifth model program must be contracted with a competent for-profit corporation. Providers of these model programs may be selected from a single source pursuant to s. 287.057(3)(c) and must be established, community-based organizations within the district or subdistrict. Contracts with organizations responsible for the model programs must shall include the management and administration of all privatized services specified in subsection (1), except for funds necessary to manage the contract. However, the department may use funds for contract management only after obtaining written approval from the Executive Office of the Governor. The request for such approval must include, but is not limited to, a statement of the proposed amount of such funds and a description of the manner in which such funds will be used. If the community-based organization selected for a model program under this subsection is not a Medicaid provider, the organization shall be issued a Medicaid provider number pursuant to s. 409.907 for the provision of services currently authorized under the state Medicaid plan to those children encompassed in this model and in a manner not to exceed the current level of state expenditure.~~

(6) Each district and subdistrict that participates in the model program effort or any future privatization effort as described in this section must thoroughly analyze and report the complete direct and indirect costs of delivering these services through the department and the full cost of privatization, including the cost of monitoring and evaluating the contracted services.

Section 2. Section 415.5071, Florida Statutes, is created to read:

415.5071 Sheriffs of Pasco and Pinellas Counties to provide child protective investigative services; procedures; funding.—

(1) *As described in this section, the Department of Children and Family Services shall, by the end of fiscal year 1999-2000, transfer all responsibility for child protective investigations for Pinellas County and Pasco County to the sheriff of that county in which the child abuse, neglect, or abandonment is alleged to have occurred. Each sheriff is responsible for the provision of all child protective investigations in his or her county. Each individual who provides these services must complete the training provided to and required of protective investigators employed by the Department of Children and Family Services.*

(2) *During fiscal year 1998-1999, the Department of Children and Family Services and each sheriff's office shall enter into a contract for the provision of these services. Funding for the services will be appropriated to the Department of Children and Family Services, and the department shall transfer to the respective sheriffs for the duration of fiscal year 1998-1999, funding for the investigative responsibilities assumed by the sheriffs, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract, and including, but not limited to, funding for all investigative, supervisory, and clerical positions; training; all associated equipment; furnishings; and other fixed capital items. The contract must specify whether the department will continue to perform part or none of the child protective investigations during the initial year. The sheriffs may either conduct the investigations themselves or may, in turn, subcontract with municipal officials or private agencies to have those officials or agencies conduct the investigations. The contract must specify whether the services are to be performed by departmental employees or by an agency or persons determined by the sheriff. During this initial year, the department is responsible for quality assurance, and the department retains the responsibility for the performance of all child protective investigations. The department must identify any barriers to transferring the entire responsibility for child protective services to the sheriffs' offices and must pursue avenues for removing any such barriers by means including, but not limited to, applying for federal waivers. By January 15, 1999, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that describes any remaining barriers, including any that pertain to funding and related administrative issues. Unless the Legislature, on the basis of that report or other pertinent information, acts to block a transfer of the entire responsibility for child protective investigations to the sheriffs' offices, the sheriffs of Pasco County and Pinellas County, beginning in fiscal year 1999-2000, shall assume the entire responsibility for such services, as provided in subsection (3).*

(3)(a) *Beginning in fiscal year 1999-2000, the sheriffs of Pasco County and Pinellas County have the responsibility to provide all child protective investigations in their respective counties.*

(b) *The sheriffs of Pasco County and Pinellas County shall operate, at a minimum, in accordance with the performance standards established by the Legislature for protective investigations conducted by the Department of Children and Family Services.*

(c) *Funds for providing child protective investigations in Pasco County and Pinellas County must be appropriated directly to the respective sheriffs' offices. Funds for the child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be maintained separately from all other records of the sheriffs' offices.*

(d) *Program performance evaluation shall be based on criteria mutually agreed upon by the respective Sheriffs and a committee of five persons appointed by the Governor and selected from those persons serving on the Department of Children and Family Services district 5 Health and Human Services Board. Two of the Governor's appointees must be residents of Pasco County and two of the Governor's appointees must be residents of Pinellas County. Such appointees shall serve at the pleasure of the Governor. The individuals appointed must have demonstrated experience in outcome evaluation, social service areas of protective investigation, or child welfare supervision. The committee shall submit an annual report regarding quality performance, outcome measure attainment and cost efficiency, to the President of the Senate, the Speaker of the House of Representatives, and to the Governor, no later than January 31 of each year the sheriffs are receiving general appropriations to provide child protective investigations.*

Section 3. Subsection (2) of Section 768.28, Florida Statutes, is amended to read:

(2) As used in this act, "state agencies or subdivisions" include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state; counties and municipalities; community-based agencies that have contracted with the Department of Children and Family Services pursuant to s. 409.1671 or s. 415.5071; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Spaceport Florida Authority.

Section 4. This act shall take effect July 1 of the year in which enacted.

And the title is amended as follows:

remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize" and "related services"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; providing plan requirements; requiring the department to state whether and why privatization cannot be accomplished in a particular district or portion of a district and how the department will address the obstacles to privatization; providing for legal services; requiring that child welfare legal services be provided by specified providers; providing for case management responsibilities; providing for quality assurance; providing requirements for and restrictions upon funding for privatization; creating s. 415.5071, F.S.; providing for a model program for child protective investigative services, to be initiated in a specified district; requiring the department to contract with the sheriffs in that district; providing responsibilities of the department; requiring a report; providing for funding; providing for the creation of a specified committee which shall submit a required report; amending s. 768.28, Florida Statutes; amending the definition of the term "state agencies or subdivisions" with respect to specified agencies; providing an effective date.

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

Reconsideration

The House reconsidered the vote by which **Amendment 1** failed of adoption.

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

The Committee on Health & Human Services Appropriations offered the following:

Amendment 1 to Amendment 1—On page 10, line 12, remove from the amendment: *appropriated directly*

and insert in lieu thereof:

identified in the annual appropriations made to the Department of Children and Family Services, which shall award grants for the full amount identified

Rep. Murman moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Murman offered the following:

Amendment 2 to Amendment 1 (with title amendment)—On page 1, line 18, through page 11, line 18, remove from the amendment: all of said lines

and insert in lieu thereof:

Section 1. Section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(1)(a) It is the intent of the Legislature ~~that to encourage~~ the Department of Children and Family Services ~~shall privatize the provision of to contract with competent community-based agencies to provide~~ foster care and related services statewide. As used in this section, the term "privatize" means to contract with competent, community-based agencies. The department shall submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan is to be submitted by July 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the minority leaders of both houses. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which privatization cannot be accomplished within the 3-year timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total privatization, such as public private partnerships. As used in this section, the term "related services" means ~~By privatizing these services, the support and commitment of communities to the reunification of families and care of children and their families will be strengthened, and efficiencies as well as increased accountability will be gained. These services may include family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, postadjudication legal services, foster care supervision, postadjudication case management, postplacement supervision, permanent foster care, and family reunification, the filing of a petition for the termination of parental rights, and adoption. Unless otherwise provided for, beginning in fiscal year 1999-2000, either the state attorney or the Office of the Attorney General shall provide child welfare legal services, pursuant to chapter 39 and other relevant provisions, in Sarasota, Pinellas, Pasco, and Manatee Counties. Such legal services shall commence and be effective, as soon as determined reasonably feasible by the respective state attorney or the Office of the Attorney General, after the privatization of associated programs and child protective investigations has occurred. When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the privatization project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the~~

child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.

(b) As used in this section, the term "eligible lead community-based provider" means a single agency with which the department shall contract for the provision of child protective services in a community that is no smaller than a county. To compete for a privatization project, such agency must have:

1. The ability to coordinate, integrate, and manage all child protective services in the designated community in cooperation with child protective investigations.

2. The ability to ensure continuity of care from entry to exit for all children referred from the protective investigation and court systems.

3. The ability to provide directly, or contract for through a local network of providers, all necessary child protective services.

4. The willingness to accept accountability for meeting the outcomes and performance standards related to child protective services established by the Legislature and the Federal Government.

5. The capability and the willingness to serve all children referred to it from the protective investigation and court systems, regardless of the level of funding allocated to the community by the state, provided all related funding is transferred.

6. The willingness to ensure that each individual who provides child protective services completes the training required of child protective service workers by the Department of Children and Family Services.

(2) The department may contract for the delivery, administration, or management of protective services, the services specified in subsection (1) relating to foster care, and other related services or programs, as appropriate. The department shall retain responsibility for the quality of contracted services and programs and shall ensure that services are delivered in accordance with applicable federal and state statutes and regulations.

(3)(a) The department shall establish a quality assurance program for privatized ~~the privatization of~~ services. The quality assurance program may be performed by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or the Council on Accreditation of Rehabilitation Facilities (CARF). The department shall develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted to have limited flexibility to use funds for improving quality assurance. To this end, effective January 1, 2000, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed \$300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this paragraph may be established, notwithstanding ss. 216.262(1)(a) and 216.351. ~~The quality assurance program must include standards for each specific component of these services. The department, in consultation with the community-based agencies that are undertaking the privatized projects, shall establish minimum thresholds for each component of service, consistent with standards established by the Legislature. Each program operated under pursuant to contract with a community-based agency must be evaluated annually by the department. or by an objective competent entity designated by the department under the provisions of the quality assurance program. The evaluation must be financed from cost savings associated with the privatization of services. The department shall submit an annual report~~

regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year *for each project in operation during the preceding fiscal year.* ~~beginning in 1998. The quality assurance program must be funded through administrative savings generated by this act.~~

~~(b) The department shall establish and operate a comprehensive system to measure and report annually the outcomes and effectiveness of the services that have been privatized. The department shall use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the child welfare system.~~

(4)(a) The community-based agency must comply with statutory requirements and agency ~~rules regulations~~ in the provision of contractual services. Each foster home, therapeutic foster home, emergency shelter, or other placement facility operated by the community-based agency *or agencies* must be licensed by the Department of Children and Family Services under chapter 402 or this chapter. Each community-based agency must be licensed as a child-caring or child-placing agency by the department under this chapter. *The department, in order to eliminate or reduce the number of duplicate inspections by various program offices, shall coordinate inspections required pursuant to licensure of agencies under this section.*

~~(b) A community-based agency providing contractual services under this section may be issued a Medicaid provider number pursuant to s. 409.907 to enable the agency to maximize federal support for these services under the state's Medicaid plan. A community-based agency must also participate in and cooperate with any federal program that will assist in the maximization of federal support for those services, as directed by the department.~~

(5) *Beginning January 1, 1999, and continuing at least through December 31, 1999, the Department of Children and Family Services shall privatize all foster care and related services in district 5 while continuing to contract with the current model programs in districts 1, 4, and 13, and in subdistrict 8A, and shall expand the subdistrict 8A pilot program to incorporate Manatee County. Planning for the district 5 privatization shall be done by providers that are currently under contract with the department for foster care and related services and shall be done in consultation with the department. A lead provider of the district 5 program shall be competitively selected, must demonstrate the ability to provide necessary comprehensive services through a local network of providers, and must meet criteria established in this section. Beginning in fiscal year 1996-1997, the Department of Children and Family Services shall establish a minimum of five model programs. These models must be established in the department's districts 1, 4, and 13; in subdistrict 8A; and in a fifth district to be determined by the department, with the concurrence of the appropriate district health and human services board. For comparison of privatization savings, the fifth model program must be contracted with a competent for-profit corporation. Providers of these model programs may be selected from a single source pursuant to s. 287.057(3)(c) and must be established, community-based organizations within the district or subdistrict. Contracts with organizations responsible for the model programs must shall include the management and administration of all privatized services specified in subsection (1), except for funds necessary to manage the contract. However, the department may use funds for contract management only after obtaining written approval from the Executive Office of the Governor. The request for such approval must include, but is not limited to, a statement of the proposed amount of such funds and a description of the manner in which such funds will be used. If the community-based organization selected for a model program under this subsection is not a Medicaid provider, the organization shall be issued a Medicaid provider number pursuant to s. 409.907 for the provision of services currently authorized under the state Medicaid plan to those children encompassed in this model and in a manner not to exceed the current level of state expenditure.*

(6) Each district and subdistrict that participates in the model program effort or any future privatization effort as described in this

section must thoroughly analyze and report the complete direct and indirect costs of delivering these services through the department and the full cost of privatization, including the cost of monitoring and evaluating the contracted services.

Section 2. Section 415.5071, Florida Statutes, is created to read:

415.5071 Sheriffs of Pasco, Manatee, and Pinellas Counties to provide child protective investigative services; procedures; funding.—

(1) As described in this section, the Department of Children and Family Services shall, by the end of fiscal year 1999-2000, transfer all responsibility for child protective investigations for Pinellas County, Manatee County, and Pasco County to the sheriff of that county in which the child abuse, neglect, or abandonment is alleged to have occurred. Each sheriff is responsible for the provision of all child protective investigations in his or her county. Each individual who provides these services must complete the training provided to and required of protective investigators employed by the Department of Children and Family Services.

(2) During fiscal year 1998-1999, the Department of Children and Family Services and each sheriff's office shall enter into a contract for the provision of these services. Funding for the services will be appropriated to the Department of Children and Family Services, and the department shall transfer to the respective sheriffs for the duration of fiscal year 1998-1999, funding for the investigative responsibilities assumed by the sheriffs, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract, and including, but not limited to, funding for all investigative, supervisory, and clerical positions; training; all associated equipment; furnishings; and other fixed capital items. The contract must specify whether the department will continue to perform part or none of the child protective investigations during the initial year. The sheriffs may either conduct the investigations themselves or may, in turn, subcontract with law enforcement officials or with properly trained employees of private agencies to conduct investigations related to neglect cases only. If such a subcontract is awarded, the sheriff must take full responsibility for any safety decision made by the subcontractor and must immediately respond with law enforcement staff to any situation that requires removal of a child due to a condition that poses an immediate threat to the child's life. The contract must specify whether the services are to be performed by departmental employees or by persons determined by the sheriff. During this initial year, the department is responsible for quality assurance, and the department retains the responsibility for the performance of all child protective investigations. The department must identify any barriers to transferring the entire responsibility for child protective services to the sheriffs' offices and must pursue avenues for removing any such barriers by means including, but not limited to, applying for federal waivers. By January 15, 1999, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that describes any remaining barriers, including any that pertain to funding and related administrative issues. Unless the Legislature, on the basis of that report or other pertinent information, acts to block a transfer of the entire responsibility for child protective investigations to the sheriffs' offices, the sheriffs of Pasco County, Manatee County, and Pinellas County, beginning in fiscal year 1999-2000, shall assume the entire responsibility for such services, as provided in subsection (3).

(3)(a) Beginning in fiscal year 1999-2000, the sheriffs of Pasco County, Manatee County, and Pinellas County have the responsibility to provide all child protective investigations in their respective counties.

(b) The sheriffs of Pasco County, Manatee County, and Pinellas County shall operate, at a minimum, in accordance with the performance standards established by the Legislature for protective investigations conducted by the Department of Children and Family Services.

(c) Funds for providing child protective investigations in Pasco County, Manatee County, and Pinellas County must be identified in the annual appropriation made to the Department of Children and Family Services, which shall award grants for the full amount identified to the

respective sheriffs' offices. Funds for the child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be maintained separately from all other records of the sheriffs' offices.

(d) Program performance evaluation shall be based on criteria mutually agreed upon by the respective sheriffs and a committee of seven persons appointed by the Governor and selected from those persons serving on the Department of Children and Family Services District 5 Health and Human Services Board and District 6 Health and Human Services Board. Two of the Governor's appointees must be residents of Pasco County, two of the Governor's appointees must be residents of Manatee County, and two of the Governor's appointees must be residents of Pinellas County. Such appointees shall serve at the pleasure of the Governor. The individuals appointed must have demonstrated experience in outcome evaluation, social service areas of protective investigation, or child welfare supervision. The committee shall submit an annual report regarding quality performance, outcome-measure attainment and cost efficiency, to the President of the Senate, the Speaker of the House of Representatives, and to the Governor no later than January 31 of each year the sheriffs are receiving general appropriations to provide child protective investigations.

Section 3. This act shall take effect July 1 of the year in which enacted.

And the title is amended as follows:

remove: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize," "related services," and "eligible lead community-based provider"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; providing plan requirements; requiring the department to state whether and why privatization cannot be accomplished in a particular district or portion of a district and how the department will address the obstacles to privatization; providing for legal services; requiring that child welfare legal services be provided by specified providers; providing for case management responsibilities; providing for quality assurance; providing requirements for and restrictions upon funding for privatization; creating s. 415.5071, F.S.; providing for a model program for child protective investigative services, to be initiated in specified districts; requiring the department to contract with sheriffs in those districts; providing responsibilities of the department; requiring a report; providing for funding; providing for the creation of a specified committee which shall submit a required report; providing an effective date.

Rep. Murman moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Brennan offered the following:

Amendment 3 to Amendment 1 (with title amendment)—On page 1, line 18, through page 11, line 18,
remove from the amendment: all of said lines

and insert in lieu thereof:

Section 1. Section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(1) It is the intent of the Legislature ~~that to encourage~~ the Department of Children and Family Services ~~shall privatize the provision of to contract with competent community-based agencies to provide~~ foster care and related services statewide. As used in this section, the term "privatize" means to contract with competent, community-based agencies. The department shall submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan is

to be submitted by July 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the minority leaders of both houses. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which privatization cannot be accomplished within the 3 years' timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total privatization, such as public private partnerships. As used in this section, the term "related services" means ~~By privatizing these services, the support and commitment of communities to the reunification of families and care of children and their families will be strengthened, and efficiencies as well as increased accountability will be gained. These services may include~~ family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, ~~postadjudication legal services, foster care supervision, postadjudication case management, postplacement supervision, permanent foster care, family reunification,~~ the filing of a petition for the termination of parental rights, and adoption. *Unless otherwise provided for, beginning in fiscal year 1999 - 2000, either the State Attorney or the Office of the Attorney General shall provide child welfare legal services, pursuant to Chapter 39, and other relevant provisions, in Sarasota, Hillsborough, and Manatee Counties. Such legal services shall commence upon and be effective, as soon as determined reasonably feasible by the respective State Attorney or the Office of the Attorney General, after the privatization of associated programs and child protective investigations has occurred. When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the privatization project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.*

(2) The department may contract for the delivery, administration, or management of protective services, the services specified in subsection (1) relating to foster care, and other related services or programs, as appropriate. The department shall retain responsibility for the quality of contracted services and programs and shall ensure that services are delivered in accordance with applicable federal and state statutes and regulations.

(3)(a) The department shall establish a quality assurance program for privatized ~~the privatization of~~ services. The quality assurance program may be performed by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or the Council on Accreditation of Rehabilitation Facilities (CARF). The department shall develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted

to have limited flexibility to use funds for improving quality assurance. To this end, effective January 1, 2000, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed \$300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this paragraph may be established, notwithstanding ss. 216.262(1)(a) and 216.351. ~~The quality assurance program must include standards for each specific component of these services. The department, in consultation with the community-based agencies that are undertaking the privatized projects, shall establish minimum thresholds for each component of service, consistent with standards established by the Legislature. Each program operated under pursuant to contract with a community-based agency must be evaluated annually by the department or by an objective competent entity designated by the department under the provisions of the quality assurance program. The evaluation must be financed from cost savings associated with the privatization of services. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year, beginning in 1998. The quality assurance program must be funded through administrative savings generated by this act.~~

(b) ~~The department shall establish and operate a comprehensive system to measure and report annually the outcomes and effectiveness of the services that have been privatized. The department shall use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the child welfare system.~~

(4)(a) ~~The community-based agency must comply with statutory requirements and agency rules regulations in the provision of contractual services. Each foster home, therapeutic foster home, emergency shelter, or other placement facility operated by the community-based agency or agencies must be licensed by the Department of Children and Family Services under chapter 402 or this chapter. Each community-based agency must be licensed as a child-caring or child-placing agency by the department under this chapter. The department, in order to eliminate or reduce the number of duplicate inspections by various program offices, shall coordinate inspections required pursuant to licensure of agencies under this section.~~

(b) ~~A community-based agency providing contractual services under this section may be issued a Medicaid provider number pursuant to s. 409.907 to enable the agency to maximize federal support for these services under the state's Medicaid plan. A community-based agency must also participate in and cooperate with any federal program that will assist in the maximization of federal support for those services, as directed by the department.~~

(5) ~~Beginning January 1, 1999, and continuing at least through December 31, 1999, the Department of Children and Family Services shall privatize all foster care and related services in district 6 while continuing to contract with the current model programs in districts 1, 4, and 13, and in subdistrict 8A, and shall expand the subdistrict 8A pilot program to incorporate Manatee County. Planning for the district 6 privatization shall be done by providers that are currently under contract with the department for foster care and related services and shall be done in consultation with the department. A lead provider of the district 6 program shall be competitively selected and must demonstrate the ability to provide necessary comprehensive services through a local network of providers. Beginning in fiscal year 1996-1997, the Department of Children and Family Services shall establish a minimum of five model programs. These models must be established in the department's districts 1, 4, and 13; in subdistrict 8A; and in a fifth district to be determined by the department, with the concurrence of the appropriate district health and human services board. For comparison of privatization savings, the fifth model program must be contracted with a competent for-profit corporation. Providers of these model programs~~

~~may be selected from a single source pursuant to s. 287.057(3)(c) and must be established, community-based organizations within the district or subdistrict. Contracts with organizations responsible for the model programs must shall include the management and administration of all privatized services specified in subsection (1), except for funds necessary to manage the contract. However, the department may use funds for contract management only after obtaining written approval from the Executive Office of the Governor. The request for such approval must include, but is not limited to, a statement of the proposed amount of such funds and a description of the manner in which such funds will be used. If the community-based organization selected for a model program under this subsection is not a Medicaid provider, the organization shall be issued a Medicaid provider number pursuant to s. 409.907 for the provision of services currently authorized under the state Medicaid plan to those children encompassed in this model and in a manner not to exceed the current level of state expenditure.~~

(6) Each district and subdistrict that participates in the model program effort or any future privatization effort as described in this section must thoroughly analyze and report the complete direct and indirect costs of delivering these services through the department and the full cost of privatization, including the cost of monitoring and evaluating the contracted services.

Section 2. Section 415.5071, Florida Statutes, is created to read:

415.5071 *Sheriff of Hillsborough County to provide child protective investigative services; procedures; funding.—*

(1) *As described in this section, the Department of Children and Family Services shall, by the end of fiscal year 1999-2000, transfer all responsibility for child protective investigations for Hillsborough County to the sheriff of that county in which the child abuse, neglect, or abandonment is alleged to have occurred. The sheriff is responsible for the provision of all child protective investigations in his or her county. Each individual who provides these services must complete the training provided to and required of protective investigators employed by the Department of Children and Family Services.*

(2) *During fiscal year 1998-1999, the Department of Children and Family Services and the sheriff's office shall enter into a contract for the provision of these services. Funding for the services will be appropriated to the Department of Children and Family Services, and the department shall transfer to the sheriff for the duration of fiscal year 1998-1999, funding for the investigative responsibilities assumed by the sheriff, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract, and including, but not limited to, funding for all investigative, supervisory, and clerical positions; training; all associated equipment; furnishings; and other fixed capital items. The contract must specify whether the department will continue to perform part or none of the child protective investigations during the initial year. The sheriff may either conduct the investigations themselves or may, in turn, subcontract with municipal officials or private agencies to have those officials or agencies conduct the investigations. The contract must specify whether the services are to be performed by departmental employees or by an agency or persons determined by the sheriff. During this initial year, the department is responsible for quality assurance, and the department retains the responsibility for the performance of all child protective investigations. The department must identify any barriers to transferring the entire responsibility for child protective services to the sheriffs' office and must pursue avenues for removing any such barriers by means including, but not limited to, applying for federal waivers. By January 15, 1999, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that describes any remaining barriers, including any that pertain to funding and related administrative issues. Unless the Legislature, on the basis of that report or other pertinent information, acts to block a transfer of the entire responsibility for child protective investigations to the sheriffs' office, the sheriff of Hillsborough County, beginning in fiscal year 1999-2000, shall assume the entire responsibility for such services, as provided in subsection (3).*

(3)(a) *Beginning in fiscal year 1999-2000, the sheriff of Hillsborough County has the responsibility to provide all child protective investigations in their respective counties.*

(b) *The sheriff of Hillsborough County shall operate, at a minimum, in accordance with the performance standards established by the Legislature for protective investigations conducted by the Department of Children and Family Services.*

(c) *Funds for providing child protective investigations in Hillsborough County must be appropriated directly to the sheriffs' office. Funds for the child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be maintained separately from all other records of the sheriffs' offices.*

(d) *Program performance evaluation shall be based on criteria mutually agreed upon by the sheriff and a committee of five persons appointed by the Governor and selected from those persons serving on the Department of Children and Family Services district 6 Health and Human Services Board. Four of the Governor's appointees must be residents of Hillsborough County. Such appointees shall serve at the pleasure of the Governor. The individuals appointed must have demonstrated experience in outcome evaluation, social service areas of protective investigation, or child welfare supervision. The committee shall submit an annual report regarding quality performance, outcome measure attainment and cost efficiency, to the President of the Senate, the Speaker of the House of Representatives, and to the Governor, no later than January 31 of each year the sheriff is receiving general appropriations to provide child protective investigations.*

Section 3. Subsection (2) of Section 768.28, Florida Statutes, is amended to read:

(2) As used in this act, "state agencies or subdivisions" include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state; counties and municipalities; *community-based agencies that have contracted with the Department of Children and Family Services pursuant to s. 409.1671 or s. 415.5071*; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Spaceport Florida Authority.

Section 4. This act shall take effect July 1 of the year in which enacted.

And the title is amended as follows:

remove: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize" and "related services"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; providing plan requirements; requiring the department to state whether and why privatization cannot be accomplished in a particular district or portion of a district and how the department will address the obstacles to privatization; providing for legal services; requiring that child welfare legal services be provided by specified providers; providing for case management responsibilities; providing for quality assurance; providing requirements for and restrictions upon funding for privatization; creating s. 415.5071, F.S.; providing for a model program for child protective investigative services, to be initiated in a specified district; requiring the department to contract with the sheriff in that district; providing responsibilities of the department; requiring a report; providing for funding; providing for the creation of a specified committee which shall submit a required report; amending s. 768.28, Florida Statutes; amending the definition of the term "state agencies or subdivisions" with respect to specified agencies; providing an effective date.

Rep. Brennan moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Yeas—56

Albright	Dawson-White	Jacobs	Ritchie
Arnold	Dennis	Jones	Ritter
Barreiro	Edwards	Kosmas	Roberts-Burke
Betancourt	Effman	Lawson	Rodriguez-Chomat
Bloom	Eggelletion	Lippman	Silver
Bradley	Fischer	Logan	Smith
Brennan	Frankel	Mackenzie	Stabins
Brown	Gottlieb	Mackey	Stafford
Bullard	Greene	Meek	Sublette
Bush	Hafner	Miller	Tobin
Chestnut	Healey	Morrone	Turnbull
Clemons	Heyman	Prewitt, D.	Wallace
Cosgrove	Hill	Rayson	Wasserman Schultz
Crow	Horan	Reddick	Wiles

Nays—56

The Chair	Constantine	Livingston	Saunders
Alexander	Crady	Lynn	Sembler
Andrews	Crist	Maygarden	Sindler
Argenziano	Dockery	Melvin	Spratt
Arnall	Fasano	Merchant	Starks
Bainter	Feeney	Minton	Tamargo
Ball	Futch	Morse	Thrasher
Bitner	Garcia	Murman	Trovillion
Boyd	Gay	Ogles	Valdes
Bronson	Harrington	Peaden	Villalobos
Brooks	Kelly	Posey	Warner
Byrd	King	Pruitt, K.	Westbrook
Carlton	Lacasa	Putnam	Wise
Casey	Littlefield	Sanderson	Ziebarth

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Motion to Reconsider

Rep. Feeney moved that the House reconsider the vote by which **Amendment 3 to Amendment 1** failed of adoption.

On motion by Rep. K. Pruitt, the motion to reconsider was laid on the table. The vote was:

Yeas—57

The Chair	Dockery	Melvin	Spratt
Alexander	Fasano	Merchant	Starks
Argenziano	Feeney	Minton	Sublette
Arnall	Fuller	Morse	Tamargo
Bainter	Futch	Murman	Thrasher
Ball	Garcia	Ogles	Trovillion
Bitner	Goode	Peaden	Valdes
Bronson	Harrington	Posey	Villalobos
Brooks	Kelly	Pruitt, K.	Warner
Byrd	King	Putnam	Westbrook
Carlton	Lacasa	Safley	Wise
Casey	Littlefield	Sanderson	Ziebarth
Constantine	Livingston	Saunders	
Crady	Lynn	Sembler	
Crist	Maygarden	Sindler	

Nays—52

Arnold	Bush	Fischer	Jones
Barreiro	Clemons	Frankel	Kosmas
Betancourt	Cosgrove	Gottlieb	Lawson
Bloom	Crow	Greene	Lippman
Boyd	Dawson-White	Hafner	Mackenzie
Bradley	Dennis	Healey	Mackey
Brennan	Edwards	Heyman	Meek
Brown	Effman	Hill	Miller
Bullard	Eggelletion	Jacobs	Morrone

Prewitt, D.	Ritter	Smith	Turnbull
Rayson	Roberts-Burke	Stabins	Wallace
Reddick	Rodriguez-Chomat	Stafford	Wasserman Schultz
Ritchie	Silver	Tobin	Wiles

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Rep. Brennan moved that, under Rule 148(h), a late-filed amendment to the amendment be allowed for consideration, which was not agreed to.

Rep. Brennan moved that, under Rule 148(h), a late-filed amendment to the amendment be allowed for consideration, which was not agreed to.

Rep. Brennan moved that, under Rule 148(h), a late-filed amendment to the amendment be allowed for consideration, which was not agreed to.

Rep. Brennan moved that, under Rule 148(h), a late-filed amendment to the amendment be allowed for consideration, which was not agreed to.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted. The vote was:

Yeas—61

The Chair	Crist	Maygarden	Sindler
Albright	Dockery	Melvin	Smith
Alexander	Fasano	Merchant	Spratt
Andrews	Feeney	Minton	Starks
Argenziano	Fuller	Morrone	Sublette
Arnall	Futch	Morse	Tamargo
Bainter	Garcia	Murman	Thrasher
Ball	Goode	Ogles	Valdes
Barreiro	Harrington	Peaden	Villalobos
Bitner	Kelly	Posey	Warner
Bronson	King	Pruitt, K.	Westbrook
Brooks	Lacasa	Putnam	Wise
Carlton	Littlefield	Safley	Ziebarth
Casey	Livingston	Sanderson	
Constantine	Lynn	Saunders	
Crady	Mackey	Sembler	

Nays—50

Arnold	Dennis	Horan	Ritchie
Betancourt	Edwards	Jacobs	Ritter
Bloom	Effman	Jones	Roberts-Burke
Boyd	Eggelletion	Kosmas	Silver
Bradley	Fischer	Lawson	Stabins
Brennan	Frankel	Lippman	Stafford
Brown	Gay	Logan	Tobin
Bullard	Gottlieb	Mackenzie	Turnbull
Bush	Greene	Meek	Wallace
Chestnut	Hafner	Miller	Wasserman Schultz
Clemons	Healey	Prewitt, D.	Wiles
Cosgrove	Heyman	Rayson	
Crow	Hill	Reddick	

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Votes after roll call:

Yeas to Nays—Morrone

Under Rule 127, the bill was referred to the Engrossing Clerk.

Governmental Responsibility Council Calendar

Bills and Joint Resolutions on Third Reading

CS/HBs 3743 & 3941 was temporarily postponed under Rule 147.

HB 1719—A bill to be entitled An act relating to professions, occupations, and businesses; prohibiting specified state agencies from penalizing a person for violating specified rules of which he had no knowledge; prohibiting such agencies from enforcing rules applicable to the collection of taxes or to professions, occupations, or businesses when specified conditions are met; providing exceptions; providing a defense for enforcement actions in specified circumstances; providing exceptions; providing an effective date.

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

Yeas—110

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

Nays—None

Excused from time to time for Conference Committee—Bradley, Byrd, Clemons, Lippman, Safley, Thrasher, Warner

Votes after roll call:

Yeas—Clemons, Edwards

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

Bills and Joint Resolutions on Second Reading

On motion by Rep. Thrasher, **CS/CS/HB 3491** was temporarily postponed under Rule 147, the second reading nullified, and its place retained on the Governmental Responsibility Council Calendar.

CS/HB 3671—A bill to be entitled An act relating to timber management; amending s. 253.034, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services to assess the feasibility of managing timber in land management plans; providing for the reimbursement of management services performed by the division; amending s. 259.035, F.S.; requiring the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy; amending s. 373.591, F.S.; specifying circumstances under which the land managing agency must provide an explanation to the management review team concerning the management of lands; amending s. 589.04, F.S.; directing the Division of Forestry to begin certain forestation programs on certain lands; providing an effective date.

—was read the second time by title.

The Committee on General Government Appropriations offered the following:

Amendment 1 (with title amendment)—On page 5, between lines 10 and 11 of the bill

insert:

Section 5. *There is hereby appropriated to the Department of Agriculture and Consumer Services from the Incidental Trust Fund for fiscal year 1998-1999, four positions and \$159,461, to carry out the provisions of the bill. In addition, \$2,000,000 is hereby appropriated to the Department of Agriculture and Consumer Services from the General Revenue Fund for fiscal year 1998-1999 for reforestation activities authorized in this bill.*

And the title is amended as follows:

On page 1, line 18 after the semicolon,

insert: providing appropriations;

Rep. K. Pruitt moved the adoption of the amendment, which was adopted.

The Committee on General Government Appropriations offered the following:

Amendment 2 (with title amendment)—On page 2, line 15, through page 3, line 16

remove from the bill: all of said lines

and insert in lieu thereof: *parcel. The analysis shall contain a component or section prepared by a qualified professional forester which assesses the feasibility of managing timber resources on the parcel for resource conservation and revenue generation purposes through a stewardship ethic that embraces sustainable forest management practices if the lead management agency determines that the timber resource management is not in conflict with the primary management objectives of the parcel. For the purpose of this section and s. 253.034, sustainable forest management means the productive forest practices that maintain the integrity of the ecosystem. Productive forest practices shall include wildlife habitat enhancement, hydrological resources protection and development, timber production, forage production and recreational opportunities. The Legislature intends that each lead management agency, whenever practicable and cost effective, use the services of the Division of Forestry of the Florida Department of Agriculture and Consumer Services or other qualified private sector professional forester in completing such feasibility assessments and implementing timber resource management. The Legislature further intends that the lead management agency develop a memorandum of agreement with the Division of Forestry to provide for full reimbursement for any services provided for the feasibility assessments or timber resource management. All additional revenues generated through multiple-use management or compatible secondary use management shall be returned to the lead agency responsible for such management and shall be used to pay for management activities on all conservation, preservation, and recreation lands under the agency's jurisdiction. Additionally, the land management plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands. In those cases where a newly acquired property has a valid conservation plan, the plan shall be used to guide management of the property until a formal land management plan is completed.*

And the title is amended as follows:

On page 1, lines 5-6,

remove from the title of the bill: all of said lines

and insert in lieu of: *Consumer Services, or other qualified professional forester, to assess the feasibility of managing timber in land management plans; providing legislative intent;*

Rep. K. Pruitt moved the adoption of the amendment.

On motion by Rep. Eggelletion, under Rule 148(h), the following late-filed substitute amendment was considered.

Representative(s) Eggelletion offered the following:

Substitute Amendment 2 (with title amendment)—On page 1, line 23, through page 4, line 10,
remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. Section 253.036, Florida Statutes, is created to read:

253.036 Forest management.—

(1) *All land management plans described in s. 253.034(5) which are prepared for parcels larger than 1,000 acres shall contain an analysis of the multiple-use potential of the parcel, which analysis shall include the potential of the parcel to generate revenues to enhance the management of the parcel. The lead agency shall prepare the analysis, which shall contain a component or section prepared by a qualified professional forester which assesses the feasibility of managing timber resources on the parcel for resource conservation and revenue generation purposes through a stewardship ethic that embraces sustainable forest management practices if the lead management agency determines that the timber resource management is not in conflict with the primary management objectives of the parcel. For purposes of this section, practicing sustainable forest management means meeting the needs of the present without compromising the ability of future generations to meet their own needs by practicing a land stewardship ethic which integrates the reforestation, managing, growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and aesthetics. The Legislature intends that each lead management agency, whenever practicable and cost effective, use the services of the Division of Forestry of the Florida Department of Agriculture and Consumer Services or other qualified private sector professional forester in completing such feasibility assessments and implementing timber resource management. The Legislature further intends that the lead management agency develop a memorandum of agreement with the Division of Forestry to provide for full reimbursement for any services provided for the feasibility assessments or timber resource management. All additional revenues generated through multiple-use management or compatible secondary use management shall be returned to the lead agency responsible for such management and shall be used to pay for management activities on all conservation, preservation, and recreation lands under the agency's jurisdiction. In addition, such revenue shall be segregated in an agency trust fund and shall remain available to the agency in subsequent fiscal years to support land management appropriations.*

And the title is amended as follows:

On page 1, line 2 after the semicolon, through line 6
remove from the title of the bill: all of said lines

and insert in lieu thereof: *creating s. 253.036, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services, or other qualified professional forester, to assess the feasibility of managing timber in land management plans; providing legislative intent;*

Rep. Eggelletion moved the adoption of the substitute amendment, which was adopted.

The Committee on General Government Appropriations offered the following:

Amendment 3—On page 4, line 31, through page 5, line 2,
remove from the bill: all of said lines

and insert in lieu thereof: ~~management plan~~, *timber resource management component, prepared in a manner and form prescribed by the governing board of the district and otherwise meeting the timber resource management requirements of s. 253.034(5), the land managing agency shall*

Rep. K. Pruitt moved the adoption of the amendment.

On motion by Rep. Eggleton, under Rule 148(h), the following late-filed substitute amendment was considered.

Representative(s) Eggleton offered the following:

Substitute Amendment 3—On page 4, line 31, through page 5, line 2, remove from the bill: all of said lines

and insert in lieu thereof: management plan, *prepared in a manner and form prescribed by the governing board of the district and otherwise meeting the timber resource management requirements of s. 253.036*, the land managing agency shall

Rep. Eggleton moved the adoption of the substitute amendment, which was adopted.

On motion by Rep. Eggleton, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Eggleton offered the following:

Amendment 4—On page 4, line 25 before the period,

insert: *or other qualified professional forester*

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

Under Rule 127, the bill was referred to the Engrossing Clerk.

On motion by Rep. Gay, **CS/HB 4031** was temporarily postponed under Rule 147, the second reading nullified, and its place retained on the Calendar.

HB 4783—A bill to be entitled An act relating to local government; creating ss. 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526, F.S., the Urban Infill and Redevelopment Act; providing legislative findings; providing definitions; authorizing counties and municipalities to designate urban infill and redevelopment areas based on specified criteria; requiring preparation of a plan or designation of an existing plan and providing requirements with respect thereto; requiring a public hearing; providing for amendment of the local comprehensive plan; providing that counties and municipalities that have adopted such plan may issue revenue bonds and employ tax increment financing under the Community Redevelopment Act and exercise powers granted to community redevelopment neighborhood improvement districts; requiring a report by certain state agencies; providing a program for grants to counties and municipalities with urban infill and redevelopment areas; providing for review and evaluation of the act and requiring a report; amending s. 163.3180, F.S.; authorizing exemptions from the transportation facilities concurrency requirement for developments located in an urban infill and redevelopment area; amending s. 163.3187, F.S.; providing that comprehensive plan amendments to designate such areas are not subject to statutory limits on the frequency of plan amendments; including such areas within certain limitations relating to small scale development amendments; amending s. 187.201, F.S.; including policies relating to urban policy in the State Comprehensive Plan; amending s. 380.06, F.S., relating to developments of regional impact; increasing certain numerical standards for determining a substantial deviation for projects located in certain urban infill and redevelopment areas; amending s. 163.375, F.S.; authorizing acquisition by eminent domain of property in unincorporated enclaves surrounded by a community redevelopment area when necessary to accomplish a community development plan; amending s. 171.0413, F.S., relating to municipal annexation procedures; deleting a requirement that a separate referendum be held in the annexing municipality when the annexation exceeds a certain size; providing procedures by which a county or combination of counties and the municipalities therein may develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services; providing for initiation of the process by resolution; providing requirements for the plan; requiring approval by the local governments' governing bodies and by referendum;

authorizing municipal annexation through such plan; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following:

Amendment 1 (with title amendment)—On page 29, between lines 8&9 of the bill

insert:

Section 9. Subsection (8) of section 163.3187, Florida Statutes, is created to read:

(8) The Department of Community Affairs may contract with a regional planning council in order to delegate the review of local government plan amendments. When the review has been delegated to a regional planning council, any local government in the region may elect to have its amendments reviewed by the council rather than the agency. The department shall retain the oversight necessary to insure compliance with the purposes of this chapter.

And the title is amended as follows:

On page 2, line 31

after the semicolon, insert: amending s. 163.3187, F.S.; authorizing regional planning council review of local government plan amendments;

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

The Committee on Community Affairs offered the following:

Amendment 2 (with title amendment)—On page 29, between lines 7&8 of the bill

insert:

Section 9. Section 166.251, Florida Statutes, is amended to read:

166.251 Service fee for dishonored check.—The governing body of a municipality may adopt a service fee *not to exceed the service fees authorized under s. 832.08(5) of \$20* or 5 percent of the face amount of the check, draft, or order, whichever is greater, for the collection of a dishonored check, draft, or other order for the payment of money to a municipal official or agency. The service fee shall be in addition to all other penalties imposed by law. Proceeds from this fee, if imposed, shall be retained by the collector of the fee.

(Renumber subsequent sections)

And the title is amended as follows:

On page 2, line 31

after the semicolon, insert: amending s. 166.251 F.S.; revising provisions with respect to service fee for dishonored checks;

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

Representative(s) Constantine offered the following:

Amendment 3—On page 10, lines 7-8 remove from the bill: all of said lines

and insert in lieu thereof: *revenue must be used for outright grants for projects requiring under \$50,000. Projects that provide employment opportunities to*

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

On motion by Rep. Constantine, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Constantine offered the following:

Amendment 4—On page 10, line 18

after the period, insert:

If the local government fails to implement the urban infill and redevelopment plan, the Department of Community Affairs may seek to rescind the economic and regulatory incentives granted to an urban infill and redevelopment area subject to the provisions of chapter 120. The action to rescind may be initiated 90 days after issuing a written letter of warning to the local government.

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

On motion by Rep. Constantine, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Constantine offered the following:

Amendment 5—On page 22, line 16 of the bill

insert: Prior to the adoption of the ordinance of annexation the local governing body shall hold at least two advertised public hearings. The first public hearing shall be on a weekday at least 7 days after the day that the first advertisement is published. The second public hearing shall be held on a weekday at least 5 days after the day that the second advertisement is published. The governing body of the annexing municipality may choose to submit the ordinance of annexation to a separate vote of the registered electors of the annexing municipality.

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

Under Rule 127, the bill was referred to the Engrossing Clerk.

On motion by Rep. Carlton, **HB 4687** was temporarily postponed under Rule 147, the second reading nullified, and its place retained on the Calendar.

On motion by Rep. Posey, **CS/HB 3173** was temporarily postponed under Rule 147, the second reading nullified, and its place retained on the Calendar.

On motion by Rep. Carlton, **HB 4685** was temporarily postponed under Rule 147, the second reading nullified, and its place retained on the Calendar.

HB 4079—A bill to be entitled An act relating to animals and animal products; amending s. 500.11, F.S.; specifying conditions for misbranding of animal products; amending ss. 570.50 and 570.51, F.S.; deleting powers and duties of the Division of Food Safety of the Department of Agriculture and Consumer Services relating to certain animal and animal product inspection; amending and transferring ss. 585.89 and 585.92, F.S., to ch. 571, F.S., relating to prohibitions on purchase of beef and pork, specifications for bid invitations, penalties, and labeling requirements; conforming provisions; amending s. 828.22, F.S.; correcting a cross reference; amending s. 877.05, F.S., relating to the killing of young veal for sale; conforming provisions; repealing s. 205.1951, F.S., relating to the issuance of a grant of inspection or a custom animal slaughtering or processing establishment permit; repealing part III of ch. 585, F.S., relating to animal and animal product inspection and labeling; repealing ss. 828.23(5) and (6), 828.24, 828.25, and 828.26(2), F.S., relating to definitions of terms “packer” and “stockyard,” prohibited acts, department administration, and penalties pertaining to slaughter of livestock; repealing s. 877.06, F.S., relating to labeling of beef not slaughtered according to state or United States standards; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

HB 4561—A bill to be entitled An act relating to marine fisheries; amending s. 370.01, F.S.; redefining the terms “closed season” and “nonresident alien” and alphabetizing definitions; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified

circumstances; providing for the suspension of violators’ licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; amending s. 370.026, F.S.; deleting obsolete references to commissioners’ terms; amending s. 370.0605, F.S.; authorizing agents of the Game and Fresh Water Fish Commission to enforce provisions relating to licenses; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.12, F.S.; relating to protection of mammalian dolphins; amending s. 370.1405, F.S.; relating to reporting requirements for crawfish wholesalers and retailers; amending s. 370.25, F.S.; clarifying criminal, civil, and administrative penalties; repealing s. 370.015, F.S., relating to obsolete Suwannee River Authority; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.092(3) and (4), F.S., relating to penalties on use of proscribed nets; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.12(4), F.S.; related to manta rays; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing section 370.1611, F.S., relating to an oyster depuration plant; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

On motion by Rep. Kelly, **CS/HB 3779** was temporarily postponed under Rule 147, the second reading nullified, and its place retained on the Calendar.

HB 4279—A bill to be entitled An act relating to state government; requiring the Joint Administrative Procedures Committee to publish certain statistics relating to rules in its annual report; directing the Office of Program Policy Analysis and Government Accountability to conduct a study and prepare a report on the cost of state regulation and providing requirements with respect thereto; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative(s) Wallace offered the following:

Amendment 1—On page 1, lines 15-26, remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. *The Joint Administrative Procedures Committee shall publish the following statistics on state rules in their annual report:*

(a) *The number of rules in the Florida Administrative Code.*

(b) *The number of rules noticed in the Florida Administrative Weekly during the preceding year for which a statement of estimated regulatory cost was prepared.*

(c) *The number of rules noticed in the Florida Administrative Weekly during the preceding year for which a statement of estimated regulatory cost was not prepared.*

(d) *The sum of costs contained in statements of estimated regulatory cost prepared for rules noticed in the preceding year.*

(e) *The number of rules noticed for repeal during the preceding year and the estimated cost savings from those repeals.*

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

Under Rule 127, the bill was referred to the Engrossing Clerk.

SB 1434—A bill to be entitled An act relating to rulemaking authority with respect to environmental permitting (RAB); amending s. 161.052, F.S.; providing authority to adopt rules relating to coastal construction and excavation; amending s. 161.053, F.S.; authorizing the exemption of certain activities from permit requirements; providing authority to adopt rules relating to coastal construction and regulation on county basis; amending s. 403.813, F.S.; clarifying authority to implement certain exemptions without adoption of rules; providing an effective date.

—was read the second time by title.

The Committee on Environmental Protection offered the following:

Amendment 1—On page 3, lines 16 through 17 remove from the bill: all of said lines

and insert in lieu thereof:

(21) *The department is authorized to adopt rules related to the following provisions of this section: establishment of coastal construction control lines; activities seaward of the coastal construction control line; exemptions; property owner agreements; delegation of the program; permitting programs; and violations and penalties.*

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

The Committee on Environmental Protection offered the following:

Amendment 2—On page 1, lines 21 through 22 remove from the bill: all of said lines

and insert in lieu thereof:

(11) *The department is authorized to adopt rules for the implementation of the following provisions of this section: excavation and construction; setback requirements; waivers or variances; exemptions; the removal of unauthorized structures or refilling of unauthorized excavations; and violations and penalties.*

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

Under Rule 127, the bill was referred to the Engrossing Clerk.

SB 1436—A bill to be entitled An act relating to rulemaking authority with respect to water treatment facilities (RAB); creating s. 403.88, F.S.; directing the Department of Environmental Protection to classify water and wastewater treatment facilities and staffing requirements by rule; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

SB 1438—A bill to be entitled An act relating to rulemaking authority with respect to aquatic preserves (RAB); amending s. 258.42, F.S.; providing authority for the Board of Trustees of the Internal Improvement Trust Fund to consider the cumulative impact of activities on aquatic preserves; providing that the board may adopt and enforce stricter standards, regulations, and orders of local governments when the standards are related to ch. 258, F.S., and are approved by the board; amending s. 258.43, F.S.; providing authority for the board to develop rules regarding the cumulative impact of activities on aquatic preserves; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

CS/HB 29—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed under certain circumstances; providing for cancellation of taxes assessed and outstanding tax certificates; providing for expiration; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

Amendment 1 (with title amendment)—On page 2, line(s) 3 and 4, remove from the bill: all of said lines.

and insert in lieu thereof:

Section 2. Effective January 1, 1998, section 196.195, Florida Statutes, is amended to read:

196.195 Determining profit or nonprofit status of applicant.—

(1) Applicants requesting exemption shall supply such fiscal and other records showing in reasonable detail the financial condition, record of operation, and exempt and nonexempt uses of the property, where appropriate, for the immediately preceding fiscal year as are requested by the property appraiser or the value adjustment board.

(2) In determining whether an applicant for a religious, literary, scientific, or charitable exemption under this chapter is a nonprofit or profitmaking venture or whether the property is used for a profitmaking purpose, the following criteria shall be applied:

(a) The reasonableness of any advances or payment directly or indirectly by way of salary, fee, loan, gift, bonus, gratuity, drawing account, commission, or otherwise (except for reimbursements of advances for reasonable out-of-pocket expenses incurred on behalf of the applicant) to any person, company, or other entity directly or indirectly controlled by the applicant or any officer, director, trustee, member, or stockholder of the applicant;

(b) The reasonableness of any guaranty of a loan to, or an obligation of, any officer, director, trustee, member, or stockholder of the applicant or any entity directly or indirectly controlled by such person, or which pays any compensation to its officers, directors, trustees, members, or stockholders for services rendered to or on behalf of the applicant;

(c) The reasonableness of any contractual arrangement by the applicant or any officer, director, trustee, member, or stockholder of the applicant regarding rendition of services, the provision of goods or supplies, the management of the applicant, the construction or renovation of the property of the applicant, the procurement of the real, personal, or intangible property of the applicant, or other similar financial interest in the affairs of the applicant;

(d) The reasonableness of payments made for salaries for the operation of the applicant or for services, supplies and materials used by the applicant, reserves for repair, replacement, and depreciation of the property of the applicant, payment of mortgages, liens, and encumbrances upon the property of the applicant, or other purposes; and

(e) The reasonableness of charges made by the applicant for any services rendered by it in relation to the value of those services, and, if such charges exceed the value of the services rendered, whether the excess is used to pay maintenance and operational expenses in furthering its exempt purpose or to provide services to persons unable to pay for the services.

(3) Each applicant must affirmatively show that no part of the subject property, or the proceeds of the sale, lease, or other disposition thereof, will inure to the benefit of its members, directors, or officers or any person or firm operating for profit or for a nonexempt purpose.

(4) *Notwithstanding the provisions of subsections (2) and (3), a corporation organized as nonprofit under chapter 617 which has a valid consumer certificate of exemption pursuant to s. 212.08(7)(o) and which*

has a valid exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code is nonprofit. Proof provided by a corporation of its status as described in this subsection shall be sufficient to establish the organization's nonprofit status and any corporation providing such proof is not required to provide any other information in order to establish its nonprofit status.

(5)(4) No application for exemption may be granted for religious, literary, scientific, or charitable use of property until the applicant has been found by the property appraiser or, upon appeal, by the value adjustment board to be nonprofit as defined in this section.

Section 3. Effective January 1, 1998, Paragraph (c) is added to subsection (1) of section 196.196, Florida Statutes, to read:

196.196 Determining whether property is entitled to charitable, religious, scientific, or literary exemption.—

(1) In the determination of whether an applicant is actually using all or a portion of its property predominantly for a charitable, religious, scientific, or literary purpose, the following criteria shall be applied:

(c) *The extent to which the property is used to conduct activities which cause a corporation to qualify for a consumer certificate of exemption under s. 212.08(7)(o). Such activities shall be considered as part of the exempt purposes of the applicant.*

Section 4. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, between line(s) 9 and 10,

insert: amending s. 196.195, F.S.; specifying that certain nonprofit corporations are nonprofit for purposes of determining eligibility for the religious, literary, scientific, or charitable ad valorem tax exemption and providing requirements for establishing such status; amending s. 196.196, F.S.; providing an additional criterion for use in determining whether property is being used for a charitable, religious, scientific, or literary purpose;

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

Under Rule 127, the bill was referred to the Engrossing Clerk.

Ceremonial Resolutions Calendar

HR 9521—A resolution honoring Jack and Ruth Eckerd.

WHEREAS, realizing that today's youth are tomorrow's leaders and that their success depends upon the guidance and opportunities provided during the critical years of childhood and adolescence, the State of Florida recognizes the continuing need to provide support and services to its youth who are having difficulty adjusting to the increasing demands of today's society, and

WHEREAS, in an effort to meet the ever-increasing needs of Florida's children, youth, and young adults, Jack and Ruth Eckerd were among the first to join in a public-private partnership with the State of Florida and, through Eckerd Youth Alternatives, Inc., have provided the means and opportunities for Florida's troubled youth to resume a more responsible, productive role in their families, schools, and communities, and

WHEREAS, Jack and Ruth Eckerd understand that the greatest impact of programs provided by Eckerd Youth Alternatives, Inc., is obtained by addressing the needs of youth as early as possible to prevent future delinquency, substance abuse, and academic and emotional problems, and

WHEREAS, this public-private partnership, begun more than 25 years ago with the unique agreement to provide services to emotionally troubled youth, has expanded to provide an even wider range of prevention and intervention programs designed to meet the special needs of youth at risk, and

WHEREAS, Jack and Ruth Eckerd's original concept, which was brought to fruition in Eckerd Youth Alternatives, Inc., has proved so successful that there are now 28 programs in seven states which benefit over three thousand children, youth, and young adults each year, and

WHEREAS, Jack and Ruth Eckerd are widely recognized as leaders in services to youth at risk, achieving local, state, and national acclaim through Eckerd Youth Alternatives, Inc., and

WHEREAS, founders Jack and Ruth Eckerd have given selflessly of their time, talents, and personal resources to ensure that youth are given an opportunity to reach their fullest potential, NOW, THEREFORE,

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

That the House of Representatives pauses in its deliberations to honor Jack and Ruth Eckerd for their selfless devotion to the youth of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Jack and Ruth Eckerd as a tangible token of the sentiments expressed herein.

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

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

HR 9527—A resolution honoring Beth Doody.

WHEREAS, Beth Doody, for nearly 20 years a member of the Florida legislative family, has worked for 18 legislative sessions as an advocate for business and social issues, having begun in 1980 as a governmental affairs professional with Associated Industries of Florida, and

WHEREAS, Beth Doody has been proactive on issues leading to legislation affecting workers' compensation, health care, transportation, insurance, and education, and has consistently striven to resolve issues for the mutual benefit of business owners, employees, teachers, and children and families, and

WHEREAS, Beth Doody has been a valuable member of the Capital City of Tallahassee as a member of the United Way Appeals Committee, the Leon County Advisory Committee of the Southeastern Blood Bank, the Florida Family Visitation Task Force, the Florida Education Crossroads Advisory Committee, and the Board of Directors of the Tallahassee Refugee House, and

WHEREAS, Beth Doody has been a member of the Junior League of Florida's State Public Affairs Committee Task Force on Education for seven years and served as its chair for three years, and

WHEREAS, Beth Doody has been diligent in her support of the Special Olympics, has worked to curb domestic and school violence, and has served her community as a member of Leadership Tallahassee, Class of 1995-1996, and

WHEREAS, as a person who has worked tirelessly to secure through legislation certain benefits for others with no thought of possible

advantage to herself, Beth Doody has served as a role model for legislative staff and lobbyists alike and has had a profound impact on the lives of legislators, staff, and lobbyists with whom she has worked, and

WHEREAS, now engaged in a struggle with cancer, Beth Doody, continues to serve as a model of strength and courage in this her personal battle, NOW, THEREFORE,

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

That the House of Representatives pauses in its deliberations to express its heartfelt gratitude and extend its warmest encouragement to Beth Doody, a remarkable lady.

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

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

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

Moment of Silence

The House observed a moment of silence for Beth Doody in her personal fight against cancer.

HR 9463—A resolution recognizing the week of November 15-21, 1998, as “Florida Storytelling Week.”

WHEREAS, the art of storytelling is a valuable method of sharing American folklore and contributes to the historical knowledge of our state, and

WHEREAS, the art of storytelling contributes to the self-esteem of students as they learn the state’s folklore and share their stories with the community, and

WHEREAS, the art of storytelling is a vibrant part of our living history involving many storytellers and exposing countless students and citizens to its values, and

WHEREAS, the art of storytelling embraces the history and lore of diverse cultures, including Native American, African-American, Caribbean, and Western European, as well as native Floridian, and exposes all Floridians to the richness of our differences while fostering understanding through knowledge, and

WHEREAS, the Florida Storytellers Guild, Inc., consists of numerous storytellers in 5 regions throughout the state, who preserve, perpetuate, and promote the art of storytelling in Florida by educating and encouraging storytellers for the entertainment and edification of listeners, allowing individuals and cultures to sense the value of sharing stories, NOW, THEREFORE,

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

That the Florida House of Representatives does hereby proclaim the week of November 15-21, 1998, to be “Florida Storytelling Week.”

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Florida Storytellers Guild, Inc., Myra Davis, Administrator as a tangible token of the sentiments expressed herein.

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

HR 9469—A resolution recognizing the American Cancer Society and the Buddy Check program.

WHEREAS, breast cancer is the leading type of cancer among women in Florida and is the second highest cause of cancer deaths among the state’s female population, and

WHEREAS, of the 178,000 women in the United States that are projected to be diagnosed with breast cancer during 1998, 11,800 are expected to be citizens of Florida, and

WHEREAS, of the women in Florida who will learn they have breast cancer, 2,900 are expected to die in 1998, and

WHEREAS, the American Cancer Society, in partnership with other entities, has created the Buddy Check program to aid in reminding women of monthly breast self-exams and yearly mammograms and clinical exams, and

WHEREAS, fear and silence are the best friends of cancer, and encouraging women to take action by talking about breast cancer helps save women’s lives through early detection which increases survival treatment and options, NOW, THEREFORE,

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

That the Florida House of Representatives hereby recognizes the American Cancer Society’s Buddy Check program as important in the fight against breast cancer and urges all women to recognize the risks associated with breast cancer and take preventive and supportive steps of the Buddy Check program to minimize those risks and engage in early detection methods such as mammography and breast self-exams.

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

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

HR 9471—A resolution honoring A. Philip Randolph, crusader for justice, civil rights activist, and trade union leader.

WHEREAS, A. Philip Randolph once said that “Salvation for a race, nation, or class must come from within. Freedom is never granted; it is won. Justice is never given; it is exacted,” and

WHEREAS, with these words A. Philip Randolph expressed the most animating passion of his public life: the struggle for racial freedom and economic justice, both of which, he maintained, should be inextricably linked, and

WHEREAS, born on April 15, 1889, Asa Philip Randolph was a native of Florida who grew up as a child and young adult in Jacksonville, and

WHEREAS, A. Philip Randolph's achievements bear the imprint of his convictions, and

WHEREAS, Randolph's organizing of the Brotherhood of Sleeping Car Porters in 1925, the first national effort at black trade unionism, was an attack upon the twin evils of racial oppression and economic injustice, and

WHEREAS, his leadership of the March on Washington Movement in the 1940's which opened the gates of federal employment to black workers and also desegregated the nation's armed services was clearly on behalf of jobs and freedom, and

WHEREAS, the secretariat of that movement was financed largely by the union for whose members he won a considerable measure of racial and economic dignity, and

WHEREAS, A. Philip Randolph's Gandhian mass movement of the 1940's foreshadowed the great nonviolent civil rights crusade of the late 1950's and early 1960's, which helped to bring down the formal structures of public segregation, particularly in the South, and

WHEREAS, A. Philip Randolph may be fairly seen as the father of modern civil rights activism in the United States, having inspired the younger leaders of the crusade, notably Dr. Martin Luther King, Jr., James Farmer, Dorothy Height, and Bayard Rustin, with the mass action he pioneered in the 1940's, and

WHEREAS, fittingly, the last and greatest mass demonstration Randolph conceived was the 1963 March on Washington for Jobs and Freedom in which Dr. Martin Luther King, Jr., became known as the most eloquent spokesman for the progress of black Americans, and

WHEREAS, A. Philip Randolph retired from public life in the late 1960's and died in 1979 at the age of 90, and

WHEREAS, he was known for his gracious Edwardian manners, his monumental personal dignity, his incorruptible moral integrity, and his unswerving dedication to the political objectives he pursued, and

WHEREAS, Oswald Garrison Villard, descendant of a distinguished 19th-century abolitionist wrote of Randolph: "Randolph is absolutely to be trusted. . . he cannot be influenced unduly. He stands four-square to all the winds. He stoops to no wiles or artifices to gain his goals. He is steeped in principle, and he has the complete certainty of the true reformer in the eventual triumph of his cause," and

WHEREAS, in 1992, the A. Philip Randolph traveling exhibit debuted in Washington, D.C., at the A. Philip Randolph Institute National Educational Conference, and

WHEREAS, the exhibit will be in Gainesville from May 23 - July 4, 1998, at the Matheson Historical Center, and

WHEREAS, the exhibit depicts Randolph's lifetime achievements as a civil rights activist and trade union leader, and

WHEREAS, sponsored by the American Federation of Labor and Congress of Industrial Organizations, the exhibit was originally conceived as a memorial for Randolph's 100th birthday, and

WHEREAS, the exhibit completes the mission of the federation's A. Philip Randolph Memorial Committee: to permanently honor Randolph as "a symbol to all minority and oppressed workers of the promise the American labor movement holds for them in their struggle for a piece of the American Dream," and

WHEREAS, A. Philip Randolph was indeed one of the most exemplary public figures of our century, 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 honors the memory of A. Philip Randolph, crusader for justice, civil rights activist, and trade union leader.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the A. Philip Randolph Institute to be made a permanent part of the A. Philip Randolph traveling exhibit, as a tangible token of the sentiments expressed herein.

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

HR 9473—A resolution recognizing the achievement of the rank of Eagle Scout by Joseph Hutchinson Sanders.

WHEREAS, Joseph "Joe" Hutchinson Sanders has lived in public housing all of his life and on November 24, 1994, joined a Boy Scout unit in the Mohawk District in Jacksonville, Florida, that was established to provide character development to youth that live in public housing communities, and

WHEREAS, from the very first moments after joining, Joe Sanders dreamed of becoming an Eagle Scout even though he was aware that few young men ever achieve scouting's highest award, and

WHEREAS, through diligence, commitment, and hard work, on May 1, 1996, Joe Sanders was awarded the rank of Life Scout, the last rank before his goal of Eagle Scout, and

WHEREAS, by February 4, 1998, one day before his 18th birthday, Joe Sanders had completed his chosen service project and received the requisite merit badges to enable him to reach his goal of becoming an Eagle Scout, the highest honor in scouting, NOW, THEREFORE,

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

That the House of Representatives recognizes the accomplishments of Joseph Hutchinson Sanders in achieving the rank of Eagle Scout in the Mohawk District of the Boy Scouts of America in Jacksonville, Florida.

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

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

HR 9477—A resolution supporting the concepts and objectives of "The Florida Panther & Private Lands" and "Private Habitats: Haven for Threatened and Endangered Species" projects.

WHEREAS, Florida has more endangered species than any state in the Union except Hawaii and California and has been rated as a state in which threatened and endangered species are at risk as a result of continued habitat destruction, and

WHEREAS, Florida has launched the nation's most aggressive public land acquisition program and has provided more annual funding over the past decade than any other state or the Federal Government to pay for public land purchases and enter into less-than-fee protection options with private landowners, including the enactment of conservation easements on private lands to protect wildlife habitat, wetlands, water resources, and farmland, and

WHEREAS, the state cannot afford to buy or manage every tract of land that contributes to its environmental welfare, nor can it hope to outlaw all destructive uses of these lands without further limiting the lawful uses of private property and placing unfair burdens on private property owners, and

WHEREAS, the "Florida Panther & Private Lands" and "Private Habitats: Havens for Threatened and Endangered Species" projects being conducted by the not-for-profit organization Florida Stewardship Foundation, in cooperation with University of Florida--IFAS, private landowners, environmental groups, and all levels of government throughout the state, offer a practical, workable means to add to, supplement, and extend many of the major conservation efforts and expenditures of the state on behalf of environmental protection, and

WHEREAS, these projects are based on the premise that provision of a reduction in operating costs and a reliable revenue stream for

maintaining and enhancing natural or constructed habitats will offset the economic incentives a landowner might have for converting these habitats to other uses, and

WHEREAS, the concepts behind these incentive-driven projects will emphasize the important contributions private landowners can make to habitat enhancement and protection and reward private landowners for acting as responsible stewards of wildlife habitats and other natural resources on their properties, and

WHEREAS, these concepts will encourage private landowners not only to maintain and protect habitats that are essential for the continued survival of threatened and endangered species and species of special state concern, but to take additional steps wherever possible to restore and improve these habitats so they will support additional indigenous and keystone species, and

WHEREAS, a key objective of these projects is to create new cost-effective and affordable conservation options that will appeal to large numbers of private landowners, as well as to environmental interests and government agencies, and that will work effectively in providing habitat for threatened and endangered species, and

WHEREAS, these conservation options will be based upon sound scientific evidence and designed to encourage large numbers of landowners to commit to long-term management plans to ensure that essential habitats are not destroyed as a result of ever-encroaching urban development or the need to intensify and expand agricultural and forestry operations so they can remain competitive and profitable, and

WHEREAS, these options will ensure that essential habitats are well-managed so they can maintain their ecological functions in a manner equal to or better than they are today, and

WHEREAS, many thousands of acres of habitat that exist today on private lands may never be protected through any other means nor prevented through any law, rule, regulation, or limitation on private property rights from being converted to uses which could destroy most or all of their habitat value, NOW, THEREFORE,

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

That the House of Representatives supports the premises, concepts, and objectives embodied in the "Florida Panther & Private Lands" and "Private Habitats: Havens for Threatened and Endangered Species" projects, and urges all appropriate state agencies, water management districts, and other divisions of government in the state to cooperate to the fullest extent possible in implementing these premises, concepts, and objectives and to offer technical, administrative, and other support to the degree that is possible and appropriate.

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

HR 9481—A resolution commemorating the 100th Anniversary of the Hospital Corps of the Navy.

WHEREAS, from the United States Navy's beginnings, it was found necessary to make provisions for the sick and injured, and in 1799 an act of Congress made such provisions, and

WHEREAS, in 1842 the Naval Bureau of Medicine and Surgery was established, with the selection of specially qualified personnel beginning the next year, and

WHEREAS, in 1898 the Hospital Corps came into existence as an organized unit of the Medical Department of the Navy, and

WHEREAS, in 1900, during the Boxer uprising in China, the first member of the Hospital Corps was awarded the Congressional Medal of Honor, with a total of four Medals of Honor being awarded to hospital corpsmen prior to World War I, and

WHEREAS, by World War I, the Hospital Corps consisted of 94 temporary commissioned and warrant officers and 16,000 enlisted men, and

WHEREAS, fifteen corpsmen were killed in action during World War I, two died of wounds and 146 were wounded or gassed, and hospital corpsmen received 460 major awards and citations, including two Medals of Honor, 55 Navy Crosses, 31 Distinguished Service Medals, and two U.S. Army Distinguished Service Medals, and

WHEREAS, in World War II, the Hospital Corps achieved a record of saving lives which proved to be unequalled, with 97 out of every 100 men of the United States Navy and Marine Corps recovering from wounds received, and

WHEREAS, in the performance of this seemingly impossible task, 1,724 hospital corpsmen gave their lives, none of whom bore arms, and

WHEREAS, of the fifteen Navy enlisted men awarded the Congressional Medal of Honor during World War II, seven were hospital corpsmen, with members of the Hospital Corps receiving over 820 major awards and citations, and

WHEREAS, women were first admitted into the Hospital Corps in World War II, and

WHEREAS, the Hospital Corps School for Women Accepted for Volunteer Emergency Service, known as the WAVES, were made an integral part of the regular Navy in 1948, and

WHEREAS, during the Korean conflict, the Hospital Corps cared for 2,844 casualties during the three weeks of the Inchon-Seoul operation alone, and U.S. Navy hospital ships in Korean waters handled some 20,000 battle casualties, 30,000 non-battle casualties, and approximately 80,000 outpatients throughout the course of the conflict, and

WHEREAS, of the seven Medals of Honor conferred upon Navy personnel during the Korean conflict, five were bestowed upon hospital corpsmen, and

WHEREAS, during the Vietnam conflict, hospital corpsmen performed emergency medical treatment in all types of combat conditions, with 620 corpsmen killed or mortally wounded, and 3,353 wounded in action, and

WHEREAS, awards for gallantry and intrepidity in action included three medals of honor, 29 Navy Crosses, 127 Silver Stars, two Legions of Merit, 290 Bronze Stars, and 4,563 Purple Hearts, and

WHEREAS, since the end of the Vietnam conflict, hospital corpsmen continue to serve in many "hot spots" around the world, providing medical treatment during military actions and performing as assistants in the prevention and treatment of disease and injury, and

WHEREAS, wherever the United States Navy and Marine Corps are found, the members of the Hospital Corps provide every medical service that may be required, rendering quality medical care to beneficiaries throughout the world, and

WHEREAS, on June 17, 1998, the Hospital Corps of the Navy will celebrate its 100th Anniversary, and

WHEREAS, for 100 years the emblem of the Hospital Corps has been a badge of mercy and valor, a token of unselfish service in the highest calling: the saving of life in the service of this country, and

WHEREAS, it is fitting and appropriate that these courageous and indispensable members of America's Armed Forces be honored on the 100th Anniversary of the Hospital Corps of the Navy, 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 honors the Hospital Corps of the United States Navy, which celebrates its 100th Anniversary on June 17, 1998.

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

Suspension of the Rules for Committee Meetings and Bills

On motion by Rep. Wallace, Chair, the rules were suspended and the Committee on Governmental Rules & Regulations was given permission to meet Tuesday, April 21, at 9:00 a.m., in 314 HOB, to consider HB 3341; CS/HB 3707; and HB 4089.

Motions Relating to Committee References

On motion by Rep. Crist, agreed to by two-thirds vote, HB 4439 was withdrawn from the Committee on Real Property & Probate and remains referred to the Committee on General Government Appropriations.

On motion by Rep. Crist, agreed to by two-thirds vote, HB 3341 was withdrawn from the Committee on Family Law & Children and remains referred to the Committees on Governmental Rules & Regulations and Criminal Justice Appropriations.

Suspension of the Rules for Committee Meetings and Bills

On motion by Rep. Sublette, Chair, the rules were suspended and the Committee on Education Appropriations was given permission to add CS/HB 4135 and HB 4459 to the agenda for its meeting Tuesday, April 21, at 10:15 a.m., in Reed Hall.

Continuation of Daily Folder

Continuation of Ceremonial Resolutions Calendar

HR 9483—A resolution recognizing Key Lime Pie as an important symbol of Florida.

WHEREAS, Key Lime Pie is an important symbol of the State of Florida as it is representative of the unique and delicious cuisine of Florida, is made of Florida products, and is consumed by tourists and Florida residents, and

WHEREAS, the Key limes used in Key Lime Pie are only grown and harvested in South Florida, and

WHEREAS, the egg whites used in Key Lime Pie come from chickens bred and hatched in Florida, and

WHEREAS, the condensed milk used in Key Lime Pie comes from cows that have grazed on the land in Central Florida, and

WHEREAS, the crust used in Key Lime pie is made with crackers known as graham, and to avoid confusion, all graham crackers should only be processed in North Florida, and

WHEREAS, the production and consumption of Key Lime Pie promotes the agricultural and tourist industries of Florida and thus contributes to Florida's economy, NOW, THEREFORE,

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

That Key Lime Pie is hereby recognized as an important symbol of the State of Florida.

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

Messages from the Senate

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1555; CS/HB 1903; and CS/HB 3287.

Faye W. Blanton, Secretary

The above bills were ordered enrolled.

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., Tuesday, April 21. The motion was agreed to.

Recorded Votes

Rep. Arnall:

Change from Nay to Yea—CS/CS/HB 679

Rep. Bainter:

Nay—SB 222; SB 1334

Rep. Barreiro:

Yea—CS for SB 706; CS for SB 1574; SCR 2536; adoption of SCR 2536 after reconsideration

Rep. Betancourt:

Yea—CS for SB 1108

Nay—HB 4431

Rep. Carlton:

Yea—SCR 2536; CS/HB 3623

Rep. Culp:

Yea—CS/HB 1381; HB 1719; Amendment 1 to HB 3217; motion to lay on the table the motion to reconsider the vote by which Amendment 3 to Amendment 1 to HB 3217 failed of adoption; CS/HB 3327; CS/HB 3373; CS/HB 3733; HR 9087

Nay—Amendment 3 to Amendment 1 to HB 3217; Amendment 9 to Amendment 1 to HB 3999

Rep. Fasano:

Yea—CS for SB 874

Rep. Goode:

Yea—HB 3271

Rep. Horan:

Yea—CS for SB 1574; SCR 2536; adoption of SCR 2536 after reconsideration; CS/CS/HB 4181

Rep. Kosmas:

Change from Nay to Yea—HM 4139

Rep. Sublette:

Yea—HB 4115

Cosponsors

- CS/HB 1381—Betancourt, Kosmas, D. Prewitt
- HB 3757—Tamargo
- HB 3773—Brown
- HB 3871—Alexander
- HB 3873—Alexander
- HB 3875—Alexander
- HB 3877—Alexander
- HB 3879—Alexander
- HB 3881—Alexander
- HB 4011—Crady, Dennis, Reddick, Wise
- CS/CS/HB 4383—Valdes
- CS/HB 4385—Kelly
- HB 4475—Lynn
- HR 9375—Bloom
- HR 9429—Bush
- HR 9491—Posey

Withdrawals as Cosponsor

- HJR 4761—Jones

Introduction and Reference

By Representatives Thrasher and Crady—

HCR 3-Org—A concurrent resolution providing that the House of Representatives and Senate convene in Joint Session for the purpose of

receiving a message from the Speaker of the United States House of Representatives.

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

By the Committee on Financial Services; Representatives Safley, Lippman, and Bitner—

HB 4815—A bill to be entitled An act relating to workers' compensation; amending s. 440.09, F.S.; excluding coverage under the Defense Base Act; amending s. 440.134, F.S.; providing individually self-insured employers the option to provide medical benefits either through managed care arrangements or without managed care arrangements; amending s. 440.135, F.S.; modifying the requirements of the 24-hour health insurance coverage pilot programs; amending s. 440.49, F.S.; providing authority to privatize functions and liabilities; providing an effective date.

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

By Representative Putnam—

HJR 4817—A joint resolution creating Article VII, Section 19, of the State Constitution; establishing the Tobacco Settlement Endowment Trust Fund as a permanent endowment for the provision of vital services.

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

By the Committee on Corrections; Representative Trovillion—

HB 4819—A bill to be entitled An act relating to execution of the death sentence; amending s. 922.11, F.S.; prohibiting videotape recorders and other electronic or mechanical devices and artistic paraphernalia in the execution observation room; providing an effective date.

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

By Representative Arnall—

HB 4821—A bill to be entitled An act relating to St. Johns County; creating the Town of Ponte Vedra Beach; providing legislative intent; providing municipal boundaries and municipal powers; providing a council-manager form of government; providing for election of a town council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for compensation and expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of town council members; providing certain interference with town employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter offices, including a town manager and town attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referenda; providing the town a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for accelerated entitlement to state-shared revenues; providing for gas tax revenue; providing for a mechanism for St. Johns County to separate countywide from municipal services taxes and to allocate to the town the municipal taxes; providing for a transition agreement between St. Johns County and Town of Ponte Vedra Beach; providing for interim municipal services; providing for disposition of existing special districts; providing for the grandfathering in of existing land uses and zoning for certain property owners; providing land descriptions of the town; providing for future amendments of the charter; providing for standards

of conduct in office; providing for severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Stabins—

HB 4823—A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; modifying definitions of the terms "political committee," "contribution," and "expenditure"; amending s. 106.04, F.S.; prohibiting committees of continuous existence from making certain expenditures; providing an effective date.

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

By Representatives Lacasa, Morse, Villalobos, Garcia, Barreiro, and Valdes—

HR 9537—A resolution commemorating the 75th anniversary of the George Merrick Troop 7 of Coral Gables.

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

By Representative Starks—

HR 9539—A resolution amending the Rules of the House of Representatives; amending Rule 165; revising the configuration of the Seal of the House of Representatives.

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

By Representative Safley—

HR 9541—A resolution accepting, acknowledging, and approving the findings of the Florida Public Service Commission's 1997 Report on the Status of Competition.

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

By Representatives Alexander, Putnam, Dockery, Edwards, and Stabins—

HR 9543—A resolution honoring Mrs. Odessa Johnson.

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

By Representative Tamargo—

HR 9545—A resolution honoring Sergeant William Rousseau and the Tampa Police Department.

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

By Representative Tamargo—

HR 9547—A resolution commending Senator James T. Hargrett, Jr.

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

By Representative Melvin—

HR 9549—A resolution honoring Archibald "Arch" Wilton McLean, Jr.

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

By Representative Rayson—

HR 9551—A resolution in recognition of Josue Rodriguez, Broward County Teacher of the Year.

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

By Representative Posey—

HR 9553—A resolution in memory of Dick Joslin.

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

By Representatives Lippman, Thrasher, Wasserman Schultz, Bloom, Tobin, Stafford, Effman, Gottlieb, Ritter, Fischer, Brennan, Rayson, Mackenzie, Horan, Ritchie, Jones, Chestnut, Silver, Meek, Wise, Sindler, Bitner, and Safley—

HR 9555—A resolution encouraging the observance of the Days of Remembrance of the Victims of the Holocaust and Yom Hashoah.

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

By Representative Clemons—

HR 9557—A resolution honoring H.M. (Mack) Lewis.

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

By Representative Albright—

HR 9559—A resolution in recognition of Munroe Regional Medical Center of Ocala on its 100th anniversary.

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

Reference

HB 3411—Referred to the Committee(s) on Business Development & International Trade, Community Affairs, Governmental Rules & Regulations, and Transportation & Economic Development Appropriations.

HB 3781—Referred to the Committee(s) on Education/K-12, Regulated Services, and Education Appropriations.

HB 4511—Referred to the Committee(s) on Health & Human Services Appropriations.

HB 4765—Referred to the Committee(s) on Community Affairs and Finance & Taxation.

HB 4769—Referred to the Committee(s) on Community Affairs.

HB 4771—Referred to the Committee(s) on General Government Appropriations.

HB 4777—Referred to the Committee(s) on Community Affairs.

HB 4785—Referred to the Committee(s) on Transportation & Economic Development Appropriations.

HB 4791—To the Governmental Responsibility Council.

HB 4795—Referred to the Committee(s) on Community Affairs.

Additional Reference of Bills

CS/HB 1095 was further referred to the Committee on Education Appropriations.

CS/HB 3695 was further referred to the Committee on Agriculture and remains referred to the Committees on Community Affairs and Finance & Taxation.

First Reading of Committee Substitutes by Publication

By the Committee on Law Enforcement & Public Safety; Representatives Roberts-Burke, Casey, Chestnut, and Smith—

CS/HB 1329—A bill to be entitled An act relating to medical examiners; amending s. 406.06, F.S.; specifying certain circumstances under which a medical examiner may be suspended; amending s. 406.075, F.S.; providing additional disciplinary measures and grounds for discipline applicable to medical examiners; amending s. 406.11, F.S.; restricting to certain purposes the examinations, investigations, and autopsies medical examiners are required or authorized to make or have performed; requiring notification of and approval by next of kin for a medical examiner to retain or furnish any body part of a deceased person for research or certain other purposes; providing for adoption of rules to incorporate by reference parameters or guidelines of practice or standards of conduct relating to examinations, investigations, and autopsies performed by medical examiners; providing an effective date.

By the Committee on Health Care Standards & Regulatory Reform; Representatives Effman, Lippman, and Brooks—

CS/HB 1843—A bill to be entitled An act relating to health maintenance organizations; creating s. 641.3155, F.S.; prescribing time for paying claims for services or goods by a provider; providing procedures for denying or contesting a claim; providing time limitations; providing notice; providing method for making payments, denying or contesting a claim, providing notice; providing interest on overdue payment of claim; requiring a health maintenance organization to pay or deny a claim within a time certain; providing an effective date.

By the Committees on General Government Appropriations; Agriculture; Representatives Bronson, Harrington, Spratt, Smith, Minton, Mackey, Sembler, Peaden, Dockery, Starks, K. Pruitt, Putnam, Eggleton, Boyd, Bradley, and Culp—

CS/CS/HB 1847—A bill to be entitled An act relating to agriculture; creating s. 570.191, F.S.; creating the Agricultural Emergency Eradication Trust Fund; prescribing its uses; defining what constitutes an "agricultural emergency"; providing an effective date.

By the Committee on Governmental Operations; Representatives Sindler and Crist—

CS/HB 3635—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; adding assistant state attorneys, assistant statewide prosecutors, and assistant public defenders to the Senior Management Service Class of the Florida Retirement System; providing an effective date.

By the Committee on Children & Family Empowerment; Representative Sindler—

CS/HB 3765—A bill to be entitled An act relating to child care; amending s. 402.302, F.S.; excluding licensed transient establishments from the definition of "child care facility"; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program for school-age children operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; amending s. 409.178, F.S., relating to the Child Care Executive Partnership; conforming title of the partnership program; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements; providing an effective date.

By the Committee on Corrections; Representative Reddick—

CS/HB 3791—A bill to be entitled An act relating to a study on criminal justice issues involving drug offenders; authorizing the study to be conducted by the Parole Commission; requiring findings and recommendations to be submitted to the Legislature; providing an effective date.

By the Committee on Education Appropriations; Representatives Sublette, Constantine, Chestnut, Culp, Lynn, King, Warner, and Casey—

CS/HB 4299—A bill to be entitled An act relating to school system personnel; creating s. 231.025, F.S.; creating the "Florida Outstanding Teacher Act of 1998"; providing definitions; creating the Florida Outstanding Teacher Program; providing for nominating panels and criteria for eligibility; providing for selection of recipients; providing for monetary awards; providing for funding; amending ss. 230.23 and 236.02, F.S., relating to district school board and school district duties; providing that implementation of the Florida Outstanding Teacher Program satisfies certain requirements for determining salary schedules and expenditures for instructional personnel; creating s.

236.08106, F.S., relating to the Excellent Teaching Program; providing legislative findings and intent; authorizing monetary incentives and bonuses for teaching excellence; providing for annual allocations to districts; providing fee subsidies and conditions for repayment of subsidies for participating in the certification program of the National Board for Professional Teaching Standards; requiring the distribution of certain monetary bonuses to teachers; providing eligibility criteria; requiring release time for certain activities; requiring certain district expenditures for professional development of teachers; amending s. 236.081, F.S.; authorizing categorical funding for the Excellent Teaching Program; amending s. 231.173, F.S., relating to certification of experienced out-of-state teachers and administrators; deleting a requirement for superintendents to request certification; providing for issuance of a professional certificate to individuals certified by the National Board for Professional Teaching Standards; conforming provisions; amending s. 231.24, F.S.; authorizing renewal of certificates through national certification; providing an effective date.

By the Committee on Governmental Operations; Representatives Byrd, Fasano, Feeney, Peaden, Maygarden, Murman, Tamargo, Arnall, Bitner, Wallace, Putnam, Harrington, Flanagan, Kelly, Westbrook, Burroughs, Littlefield, Lacasa, Sembler, Mackey, Ogles, Ball, Crow, Culp, Rojas, Thrasher, and Starks—

CS/HB 4407—A bill to be entitled An act relating to tax relief for Florida's residents; creating the Florida Residents' Tax Relief Act of 1998; amending s. 199.185, F.S.; providing an exemption from intangible personal property taxes for a note or other obligation taken by a motor vehicle dealer as part of a deferred down payment under specified conditions; amending s. 212.0601, F.S.; providing that a motor vehicle which a motor vehicle dealer requires an employee to use is subject to the use tax under said section, and not to any additional tax under chapter 212; amending s. 212.08, F.S.; revising the exemption from the tax on sales, use, and other transactions for food; providing exemptions for a portion of the value of certain automobiles, for home appliances, and for personal computers; providing an exemption for sales of clothing with a value of \$50 or less during specified periods in August 1998 and January 1999; providing a definition; providing for rules; amending s. 320.06, F.S.; reducing the fee for replacement license plates; amending s. 320.0607, F.S.; reducing the fees for original license plates and for replacement plates, validation decals, and mobile home stickers; amending s. 320.0609, F.S.; reducing the fee for transfer of license plates; amending s. 320.08, F.S.; reducing license taxes for motorcycles, mopeds, motorized bicycles, automobiles for private use, trucks for personal use, and mobile homes; amending s. 322.17, F.S.; reducing fees for duplicate and replacement instruction permits and driver's licenses; amending s. 322.21, F.S.; reducing fees for Class D or Class E driver's licenses, licenses restricted to motorcycle use, and renewal or extension thereof; amending s. 370.0605, F.S.; reducing fees for resident saltwater fishing licenses and replacement thereof; amending s. 370.0615, F.S.; reducing fees for resident lifetime saltwater fishing licenses; amending s. 370.062, F.S.; reducing the tarpon tag fee; amending s. 370.1111, F.S.; reducing the snook permit fee; amending s. 372.57, F.S.; reducing fees for resident hunting and freshwater fishing and sportman's licenses; amending s. 372.60, F.S.; reducing fees for replacement of such licenses or permits; providing for annual appropriations to replace revenues lost as a result of such fee reductions and providing for distribution thereof; providing effective dates.

By the Committee on Environmental Protection; Representatives Safley, Constantine, K. Pruitt, Sembler, Saunders, Carlton, Eggelton, Chestnut, Warner, Gay, Murman, Crow, Culp, and Andrews—

CS/HB 4551—A bill to be entitled An act relating to the Florida 2020 Program; amending s. 201.15, F.S.; providing for distribution of certain documentary stamp tax revenues to the Land Acquisition Trust Fund to pay debt service on the Florida 2020 Program bonds; creating s. 201.155, F.S.; providing for annual appropriation to pay such debt service; creating s. 235.45, F.S.; establishing the Florida Year 2020 Higher Education Facilities Program; authorizing issuance of bonds for certain purposes; providing duties of the Commissioner of Education; requiring a report; providing financing requirements; amending s. 259.02, F.S.; providing bonding authority for the Florida 2020 Program; deleting obsolete language; creating s. 259.021, F.S.; subjecting bond issuance to

constitutional authorization; providing requirements and limitations; amending s. 259.03, F.S.; deleting obsolete definitions; amending s. 259.032, F.S.; revising legislative intent to include an emphasis on water resource development and on adequate management of lands acquired by the state; directing the Board of Trustees of the Internal Improvement Trust Fund to consider buying lands that promote water resource development and facilitates restoration of the Everglades; specifying that Conservation and Recreation Lands Trust Fund shall be source of fund to pay management costs and payment-in-lieu-of-taxes for the Florida 2020 program; reducing a millage threshold for authorization for payment-in-lieu-of-taxes; deleting obsolete language throughout section; creating s. 259.034, F.S.; creating the Florida Lands Commission; specifying membership and duties of the commission; requiring the commission to develop an acquisition list; requiring a plan of restoration, acquisition, and capital improvements; providing requirements; authorizing the commission to adopt rules; amending s. 259.04, F.S.; directing the board of trustees to develop a 5-year plan for restoring, acquiring, or making capital improvements to lands or ecosystems identified by the Land Acquisition and Management Council or its successor; amending s. 259.041, F.S.; directing the Department of Environmental Protection's Division of State Lands to use appraisals obtained by other public agencies or by nonprofit organizations, if certain conditions are met; providing legislative intent and guidelines for use of less-than-fee simple land acquisition alternatives; amending s. 259.101, F.S.; clarifying redistribution of certain unspent P2000 funds; creating s. 259.105, F.S.; creating the Florida 2020 Act; providing legislative findings and intent; providing for disposition of bond proceeds issued pursuant to the act; specifying uses of the bond proceeds; specifying criteria to be used to select projects for the program; specifying the manner in which lands acquired under the program may be disposed of as surplus or donated for alternative government uses; providing requirements; providing procedures; authorizing the Florida Lands Commission, the Department of Environmental Protection, water management districts, and public agencies to adopt rules for certain purposes; amending s. 373.459, F.S.; specifying that Florida 2020 bond proceeds may be deposited into the Ecosystem Management and Restoration Trust Fund for use in financing Surface Water Improvement and Management projects; specifying eligibility for certain funds; amending s. 373.59, F.S.; providing that Florida 2020 bond proceeds may be spent to acquire water management district lands; limiting funding of management and related activities to documentary stamp tax revenues legislatively appropriated to the Water Management Lands Trust Fund; specifying that any revenues from the sale of water management district lands acquired with Florida 2020 proceeds shall only be spent to acquire lands that meet the program's criteria; amending s. 375.075, F.S.; providing that Florida 2020 bond proceeds shall be available to fund those Florida Recreational Development and Assistance Program projects selected through the Florida 2020 program process; directing the Department of Environmental Protection and the Florida Communities Trust to assist qualified counties and municipalities to obtain certain grants; amending s. 380.507, F.S.; providing for the Florida Communities Trust program eligibility to receive Florida 2020 bond proceeds; providing procedures; amending s. 380.510, F.S.; including the Florida 2020 Trust Fund moneys as subject to conditions of grants and loans made by the Florida Communities Trust; creating the Florida 2020 Study Commission; specifying membership, duties, and responsibilities; requiring a report of findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives and certain legislative committees; providing an appropriation; providing an effective date.

Daily Folder

Communication was received from the Speaker that under Rule 132, the Daily Folder for Monday, April 20, 1998, beginning at 1:45 p.m., would consist of the following:

1:45 p.m. - 2:15 p.m.	Economic Impact Council Calendar
2:15 p.m. - 3:30 p.m.	Government Services Council Calendar
3:30 p.m. - 4:15 p.m.	Academic Excellence Council Calendar
4:15 p.m. - 5:00 p.m.	Justice Council Calendar
5:00 p.m. - 5:45 p.m.	Governmental Responsibility Council Calendar
5:45 p.m. - 6:00 p.m.	Ceremonial Resolutions Calendar

Reports of Councils and Standing Committees

Council Reports

The Honorable Daniel Webster
Speaker, House of Representatives

April 20, 1998

Dear Sir:

The following report of council actions is respectfully submitted as the Calendar, adopted on April 20, 1998, of the Economic Impact Council.

Prior to consideration of the proposed ranking, a motion was made to remove CS/HB 3291 from the Consent Calendar.

Rank

1. HB 4703—Workers' Comp. Joint Underwriting
2. HB 3665—Property Insurance/Wind Coverage
3. HB 4781—Workers' Compensation Benefits (CS/SB 1092 - Workers' Compensation Benefits)
4. HB 3975—Florida Title Loan Act
5. CS/HB 3291—Telecommunications Rights-of-Way (CS/CS SB 1704 - Telecommunications Right-of-Way)
6. HB 3907—Workplace Safety Programs & Practice
7. CS/HB 4125—Public Record/Entertainment Industry
8. CS/HB 3663—Jai Alai Permitholders
9. CS/HB 4267—Workers' Comp./Leased Workers
10. CS/SB 1708—LES Dept./(RAB)
11. CS/HB 73—Admissions Tax/Sporting Events
12. CS/SB 846—Transportation Dept.(RAB)
13. HB 4427—Physician Assistant Certification (CS/SB 776 - Physician Assistant Certification)
14. CS/CS/HB 667—Motorcycle Safety Education
15. HB 4227—Game Promotions
16. CS/HB 3927—Telephonic Solicitations
17. CS/HB 117—Sales Tax/Arts Centers/Gasparilla
18. HB 4179—Workers' Compensation
19. HB 363—Premium Finance Agreement Payments

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

Respectfully submitted,
David I. Bitner, Chair

The Honorable Daniel Webster
Speaker, House of Representatives

April 20, 1998

Dear Sir:

The Government Services Council respectfully submits the following report of Council action adopted April 20, 1998.

Prior to consideration of the proposed ranking, a motion was made to remove SB 304 from the Consent Calendar.

Rank

1. CS/HB 1883—Organ & Tissue Donation (SB 304 - Organ & Tissue Donation)
2. CS/HB 3895—Delivery of Health Care Services
3. HB 3755—School-entry Vision Examination

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

Respectfully submitted,
Carl Littlefield, Chair

The Honorable Daniel Webster
Speaker, House of Representatives

April 20, 1998

Dear Sir,

The following report of council actions is respectfully submitted as the Calendar, adopted on April 20, 1998, of the Justice Council.

Prior to consideration of the proposed ranking, a motion was adopted to remove CS/HB 3581, HB 4143 and HB 4311 from the Consent Calendar.

Rank

1. CS/HB 3549—Citizen Participation in Govt. Act
2. CS/CS/HB 3265—Boater Safety
3. HB 4219—Mutual Aid Agreements
4. CS/HB 3581—Jeremy Fiedelholz Safe Day Care Act
5. CS/CS/HB 3657—Culpable Negligence
6. HB 3139—Offenses That Evidence Prejudice
7. CS/CS/HB 71—Journalist's Privilege
8. HB 909—Concealed Weapons/Nonresidents
9. CS/HB 3883—Protection of Children
10. HB 4143—Emergency Telephone Services/"911"
11. HB 3141—Employment Screening/Criminals
12. HB 3303—County Court Assessments
13. SB 200—County Court Assessments
14. CS/HB 3495—Victims & Witnesses/Fair Treatment
15. HB 3217—Foster Care/Privatization
16. HB 1269—Vehicular Homicide/Unborn Child
17. HB 4311—Debtors & Creditors
18. CS/HB 3709—Voyeurism
19. HB 4749—Medical Malpractice Insurance
20. CS/HB 3367—Judicial Nominating Commissions
21. HB 1317—Leased Personal Property/Defraud
22. CS/HB 3539—Notification of Escaped Prisoner
23. CS/SB 930—Notification of Escaped Prisoner
24. CS/HB 3257—Liabilities for Driving Offenses
25. HB 1019—Marriage Preparation & Preservation
26. HJR 3151—Homestead Exemption/Age 65 or Older
27. HJR 4761—Medical Treatment/Parental Consent
28. HB 4453—Firearms Sales
29. CS/HB 3245—Fla. Mobile Home Act
30. CS/HB 1163—Tenants/Repair to Rental Property
31. CS/HB 3011—Relief/Vernelle Lowder
32. SB 42—Relief/Vernelle Lowder
33. CS/HB 3041—Relief/Frank Roster/DOT
34. HB 2045—Joint Legislative Claims Committee
35. HCR 2047—Joint Legislative Claims Committee
36. HB 3867—Crimes, Wrongs, or Acts
37. CS/HB 1167—Public Records/DOC Personnel
38. CS/CS/HB 2037—Residency Requirements
39. HR 9013—Local Public Facilities/Juveniles

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 17:

The Committee on Civil Justice & Claims (Justice Council) recommends the following pass:
HB 4143, with 1 amendment (unanimous)

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

The Committee on Crime & Punishment (Justice Council) recommends the following pass:
HB 4227, with 1 amendment

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

The Committee on Financial Services (Economic Impact Council) recommends the following pass:
HB 3907, with 1 amendment

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

The Committee on General Government Appropriations recommends the following pass:

CS/HB 193, with 1 amendment (fiscal note attached, unanimous)
CS/HB 1509, with 1 amendment (fiscal note attached, unanimous)
HB 1711 (fiscal note attached, unanimous)
HB 1717, with 1 amendment (fiscal note attached, unanimous)
CS/CS/HB 3229, with 1 amendment (fiscal note attached, unanimous)
CS/HB 3619, with 2 amendments (fiscal note attached, unanimous)
HB 3641 (fiscal note attached, unanimous)
CS/HB 3655 (fiscal note attached, unanimous)
CS/HB 3661, with 1 amendment (fiscal note attached, unanimous)
CS/HB 3663 (fiscal note attached)
CS/HB 4071, with 3 amendments (fiscal note attached, unanimous)
HB 4073, with 1 amendment (fiscal note attached, unanimous)
CS/HB 4117, with 3 amendments (fiscal note attached, unanimous)
HB 4429 (fiscal note attached, unanimous)
HB 4491, with 1 amendment (fiscal note attached, unanimous)

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

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

CS/HB 3499 (unanimous)
HB 4457, with 1 amendment (unanimous)
CS/SB 1144, with 1 amendment (unanimous)
CS/SB 1332 (unanimous)

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 3729, with 1 amendment (unanimous)
HB 4335, with 1 amendment (unanimous)

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

The Committee on General Government Appropriations recommends a committee substitute for the following:
CS/HB 1847 (fiscal note attached, unanimous)

The above committee substitute was placed on the appropriate Calendar or Council list, and, under the rule, CS/HB 1847 was laid on the table.

The Committee on Law Enforcement & Public Safety (Justice Council) recommends a committee substitute for the following:
HB 1329 (unanimous)

The above committee substitute was placed on the appropriate Calendar or Council list, and, under the rule, HB 1329 was laid on the table.

The Committee on Civil Justice & Claims (Justice Council) recommends the following pass:
CS/HB 3279 (unanimous)
SB 898 (unanimous)

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

The Committee on Governmental Operations (Governmental Responsibility Council) recommends the following pass:
HB 4109, with 1 amendment

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

The Committee on Governmental Rules & Regulations (Governmental Responsibility Council) recommends the following pass:
HB 701 (unanimous)

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

The Committee on Governmental Operations (Governmental Responsibility Council) recommends the following pass:
HB 3577 (unanimous)
HB 4513 (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:
CS/HB 3915, with 3 amendments (unanimous)
HB 4119, with 1 amendment (unanimous)

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

The Committee on Water & Resource Management (Governmental Responsibility Council) recommends the following pass:
HB 4409, with 1 amendment

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

The Committee on Community Affairs (Governmental Responsibility Council) recommends the following pass:
HB 4475, with 1 amendment (unanimous)

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

The Committee on Governmental Rules & Regulations (Governmental Responsibility Council) recommends the following pass:
CS/HB 3377, with 1 amendment (unanimous)

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

The Committee on Health Care Standards & Regulatory Reform (Government Services Council) recommends a committee substitute for the following:
HB 1843 (unanimous)

The above committee substitute was referred to the Committee on Health & Human Services Appropriations, and, under the rule, HB 1843 was laid on the table.

The Committee on Agriculture (Governmental Responsibility Council) recommends the following pass:
HB 4155, with 1 amendment (unanimous)

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

The Committee on Community Affairs (Governmental Responsibility Council) recommends the following pass:
HB 3225, with 2 amendments (unanimous)
HB 4099, with 6 amendments (unanimous)
HB 4261, with 1 amendment (unanimous)

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

The Committee on Governmental Operations (Governmental Responsibility Council) recommends the following pass:
HB 3181, with 2 amendments (unanimous)

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

The Committee on Community Affairs (Governmental Responsibility Council) recommends the following pass:

CS/HB 3355, with 4 amendments (unanimous)

The above bill was referred to the Committee on Law Enforcement & Public Safety (Justice Council).

The Committee on Corrections (Justice Council) recommends a committee substitute for the following:

HB 3791

The above committee substitute was referred to the Committee on Crime & Punishment (Justice Council), and, under the rule, HB 3791 was laid on the table.

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

HB 4407 (unanimous)

The above committee substitute was referred to the Committee on Finance & Taxation, and, under the rule, HB 4407 was laid on the table.

Received April 20:

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

HB 3675, with 1 amendment (unanimous)

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

The Committee on Civil Justice & Claims (Justice Council) recommends the following pass:

HB 2025 (unanimous)

CS/HB 3535, with 1 amendment (unanimous)

HB 4297 (unanimous)

HB 4311 (unanimous)

HB 4359 (unanimous)

HJR 4761

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

The Committee on Community Affairs (Governmental Responsibility Council) recommends the following pass:

HB 3669 (unanimous)

HB 3851, with 3 amendments (unanimous)

HB 4285 (unanimous)

HB 4287 (unanimous)

HB 4289, with 2 amendments (unanimous)

HB 4291 (unanimous)

HB 4293 (unanimous)

HB 4305 (unanimous)

HB 4325, with 1 amendment (unanimous)

HB 4349, with 1 amendment (unanimous)

HB 4391

HB 4423 (unanimous)

HB 4547 (unanimous)

HB 4743 (unanimous)

SB 1700 (unanimous)

CS/SB 1702 (unanimous)

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

The Committee on Health Care Standards & Regulatory Reform (Government Services Council) recommends the following pass:

SB 1348 (unanimous)

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

The Committee on Children & Family Empowerment (Government Services Council) recommends a committee substitute for the following:

HB 3765 (unanimous)

The above committee substitute was placed on the appropriate Calendar or Council list, and, under the rule, HB 3765 was laid on the table.

The Committee on Education Appropriations recommends a committee substitute for the following:

HB 4299 (fiscal note attached)

The above committee substitute was placed on the appropriate Calendar or Council list, and, under the rule, HB 4299 was laid on the table.

The Committee on Civil Justice & Claims (Justice Council) recommends the following pass:

CS/HB 3301, with 3 amendments (unanimous)

CS/SB 1328, with 1 amendment

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

The Committee on Civil Justice & Claims (Justice Council) recommends the following pass:

HB 3043, with 1 amendment

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

The Committee on Civil Justice & Claims (Justice Council) recommends the following pass:

HB 4025, with 1 amendment

CS/SB 1330, with 1 amendment

The above bills were referred to the Committee on Transportation & Economic Development Appropriations.

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

HB 4551

The above committee substitute was referred to the Committee on General Government Appropriations, and, under the rule, HB 4551 was laid on the table.

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

HB 3635 (unanimous)

The above committee substitute was referred to the Committee on General Government Appropriations, and, under the rule, HB 3635 was laid on the table.

The Committee on Health Care Standards & Regulatory Reform (Government Services Council) recommends the following pass:

HB 4445, 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 the following pass:

HB 4439, with 9 amendments (unanimous)

The above bill was referred to the Committee on Real Property & Probate (Justice Council).

Enrolling Reports

HB 2019 and CS/HB 1727 have been enrolled, signed by the required constitutional officers, and presented to the Governor on April 20, 1998.

John B. Phelps, Clerk

Communications

*The Honorable Daniel Webster
Speaker of the House of Representatives*

Dear Mr. Speaker:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Conference Committee Reports on House Bills 4201 and 4205 relating to appropriations have been furnished to each member of the Legislature, the Governor, each member of the Cabinet, and the Supreme Court.

Delivery was completed April 18, 1998 at 3:25 p.m., EDT.

Respectfully submitted,
John B. Phelps
Clerk of the House

April 20, 1998

Excused

Rep. Betancourt until 3:37 p.m.; Reps. Burroughs, Dawson-White, Diaz de la Portilla, Flanagan

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time: CS/SB 874 (tort reform): Rep. Warner (Chair), Rep. Clemons, Rep. Thrasher, Rep. Byrd, Rep. Safley, Rep. Bradley, and Rep. Lippman (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:59 p.m., to reconvene at 1:30 p.m., Tuesday, April 21.