



The Journal OF THE House of Representatives

Number 25

Wednesday, April 22, 1998

The House was called to order by the Speaker at 12:30 p.m.

Prayer

The following prayer was offered by Rabbi Randall J. Konigsburg of Temple Sinai of Hollywood, upon invitation of Rep. Gottlieb:

God in heaven, who cares very much about what happens on this small planet at the edge of the galaxy, the men and women here assembled are people elected by the citizens of the state of Florida to represent their interests for the future of the state. Help these lawmakers understand that what will bring greatness to the session of the Florida Legislature will not be just deal making as usual; nor will it be trying to understand the fickle public; that greatness will be found not in the survey statistics or in the newspaper editorials; it is found when we avert our gaze from the dreary details of living and the false appeal of public approval and we lift up our eyes to the heavens, the source of all which is good and which is right.

In these Chambers, O God, it does not matter what form our belief in God may take, as long as we do not fall prey to the false gods of pride and wealth and success.

If we can leave this hall every day, dear God, with our heads held high, not having to hide from the scrutiny of the people nor from the wrath of our fellow legislators; and we can conclude each day having reached out to those who need us to raise our voices on their behalf; and if we can say at the end of a session, I let God use my hands and my heart to make this state a better place for my having worked today—then we will know your blessing, God, that you have been with us. And most of all, dear God, help us all to realize that everyone here in this room is united in their hope for a better future for all the people of the state of Florida. Help these lawmakers, dear God, build that future on behalf of all citizens. This is our prayer, as we say amen.

The following Members were recorded present:

The Chair	Bradley	Crady	Frankel
Albright	Brennan	Crist	Fuller
Alexander	Bronson	Crow	Futch
Andrews	Brooks	Dawson-White	Garcia
Argenziano	Brown	Dennis	Gay
Arnall	Bullard	Diaz de la Portilla	Goode
Arnold	Burroughs	Dockery	Gottlieb
Bainter	Bush	Edwards	Greene
Ball	Byrd	Effman	Hafner
Barreiro	Carlton	Eggelletion	Harrington
Betancourt	Casey	Fasano	Healey
Bitner	Clemons	Feeney	Heyman
Bloom	Constantine	Fischer	Hill
Boyd	Cosgrove	Flanagan	Horan

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

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

A quorum was present.

Pledge

The Members, led by Jenny Lee Pemberton, Lindsay M. Polston, Mike Donovan, and Lauren Amanda Sarkis, pledged allegiance to the Flag. Jenny Lee Pemberton of Tallahassee served at the invitation of the Speaker. Lindsay M. Polston of Cottondale served at the invitation of Rep. Westbrook. Mike Donovan of Plantation served at the invitation of Rep. Greene. Lauren Amanda Sarkis of Palm Beach Gardens served at the invitation of Rep. Merchant.

House Physician

The Speaker introduced Dr. Jerry Boland of Perry, who served in the Clinic today upon invitation of Rep. Peaden.

Correction of the *Journal*

The *Journal* of April 21 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 CS for SB 1070, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senator Sullivan and others—

CS for SB 1070—A bill to be entitled An act relating to medical malpractice insurance; amending s. 766.301, F.S.; clarifying legislative

intent; amending s. 766.304, F.S.; providing exclusive jurisdiction of administrative law judges in claims filed under ss. 766.301-766.316, F.S.; providing a limitation on bringing a civil action under certain circumstances; amending s. 766.315, F.S.; authorizing the association to invest plan funds only in investments and securities described in s. 215.47, F.S.; amending s. 766.316, F.S.; providing hospitals and physicians with alternative means of providing notices to obstetrical patients relating to the no-fault alternative for birth-related neurological injuries; prescribing conditions; providing for applicability of amendments; requiring the Auditor General to conduct a study of the effects of expanding eligibility for compensation under the plan; providing an effective date.

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

Motions Relating to Committee References

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 3333 was withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 3035 was withdrawn from the Committee on Finance & Taxation and remains referred to the Committee on Governmental Operations and General Government Appropriations.

On motion by Rep. Garcia, agreed to by two-thirds vote, HB 4445 was withdrawn from the Committee on Finance & Taxation and remains referred to the Committee on General Government Appropriations.

On motion by Rep. Garcia, agreed to by two-thirds vote, HB 4517 was withdrawn from the Committee on Finance & Taxation and placed on the appropriate Calendar or Council list.

On motion by Rep. Garcia, HB 4413 was further referred to the Committee on General Government Appropriations.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 3035 was withdrawn from the Committee on General Government Appropriations and remains referred to the Committee on Governmental Operations.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS for SB 250 was withdrawn from the Committee on Health & Human Services Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 1843 was withdrawn from the Committee on Health & Human Services Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Constantine, agreed to by two-thirds vote, CS/HB 3035 and HB 4535 were withdrawn from the Committee on Governmental Operations. CS/HB 3035 was placed on the appropriate Calendar or Council list. HB 4535 remains referred to the Committees on Finance & Taxation and Health & Human Services Appropriations.

On motion by Rep. Warner, agreed to by two-thirds vote, HM 4069 was withdrawn from the Committee on Rules, Resolutions, & Ethics and placed on the appropriate Calendar or Council list.

On motion by Rep. Crist, agreed to by two-thirds vote, CS/HB 3355 was withdrawn from the Committee on Law Enforcement & Public Safety and placed on the appropriate Calendar or Council list.

Recessed

On motion by Rep. Thrasher, the House recessed at 12:46 p.m., to reconvene at 2:15 p.m. today, at the conclusion of the Joint Session.

JOINT SESSION

Pursuant to HCR 3-Org., the Members of the Senate, escorted by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, were seated in the Chamber. The President and President pro tempore

joined the Speaker and Speaker pro tempore at the rostrum. The Secretary joined the Clerk at the front desk.

THE SPEAKER OF THE HOUSE PRESIDING

The Joint Session was called to order by the Speaker at 1:32 p.m.

A quorum of the Joint Session was declared present.

Prayer

The following prayer was offered by the Honorable James Bush III:

O God, our help in ages past and our hope for years to come, the God of Abraham, the God of Isaac, and the God of Jacob; we come thanking thee for this day that you have made, and we will rejoice and be exceedingly glad in it. And as we come, we come thanking thee for the privilege of being elected by the people of this great state and appointed by you, God, to be servants for the great citizens of this great state. And as we come as servants, we ask that you will continue to remind us that what we do affects women, affects children, affects our schools, and affects thousands of citizens around this great state. So, what we do must be predicated or motivated on the foundation of truth and justice.

And keep us reminded that the arc of the moral universe is long, but it inevitably bends toward justice. Keep us reminded what [Thomas] Carlyle said, that no lie will live forever. Keep us reminded what William Cullen Bryant said: "Truth, crushed to the earth, will rise again." Keep us reminded what James Russell Lowell said: "Truth so ever on the scaffold, and wrong forever on the throne; but yet the scaffold sways the future, and behind them, unknown, standing God within the shadows, keeping watch of his very own." Keep us reminded what the Master said, "As you have done it to the least of these, my brothers and sisters, you have done it unto me." [Matthew 25:40]

And we thank you for the visit of the Speaker, Mr. Gingrich. We pray that his visit will be a rich one, a pleasant one. Bless his companions, bless his family, and bless him as he returns back. Give him a safe return. This is your servant prayer we pray. Amen.

Pledge

The Members of the Joint Session, led by Hunter Pittman, Derek Sindler, John C. Anderson, and Lauren Amanda Sarkis, pledged allegiance to the Flag. Hunter Pittman of Quincy and John C. Anderson of Orlando served at the invitation of the Speaker. Derek Sindler of Sorrento served at the invitation of Rep. Sindler. Lauren Amanda Sarkis of Palm Beach Gardens served at the invitation of Rep. Merchant.

Committee to the Speaker of the U.S. House of Representatives

On motion by Rep. Crist, the Speaker appointed Reps. Starks, Thrasher, Bradley, Smith, Dockery, and Ritchie, and on behalf of the President of the Senate, appointed Senators Bankhead, Burt, Dyer, Thomas, Scott, and Childers as a joint committee to notify the Speaker of the United States House of Representatives, Newt Gingrich, that the Legislature had assembled to receive his message. The committee retired to execute its responsibility.

The Joint Session stood at ease, awaiting the arrival of the Speaker.

Presentation of the Speaker of the U.S. House of Representatives

Upon announcement by the House Sergeant at Arms, the committee escorted Speaker Newt Gingrich of the United States House of Representatives to the rostrum.

Speaker Webster recognized President Jennings for introductory remarks about the Honorable Newt Gingrich.

President Jennings: Thank you, Mr. Speaker. [applause] Mr. Speaker, they are just sucking up because we still have a lot of their bills over there. [laughter]

You know, it is interesting, as I was reading over Speaker Gingrich's resume—I think we all need to take a page out of his book and redo ours. His starts with a great deal of information about the early years, and you know how we sort of immediately go to our political and professional life. And in case you had not had an opportunity to have any of this information, I wanted to share a couple of facts with you that I think are important for all of us to know as we reflect on the gentleman who is here with us today. And I will read from this and then paraphrase a little bit.

Newt's grandmother was a self-made woman who believed strongly in education as a key to a successful life. In that spirit she taught Newt to read by the time he was four years old. Now Senator Holendorf, that is readiness, isn't it? By age 10, with Grandma's encouragement, he had read hundreds of books, and in later life, because of that love of reading, he founded and gave of his personal time and energy to the Earning by Learning program that rewards underprivileged children for reading books. It started with Grandma, as it often does.

Newt has always been a dog lover, or an animal lover—in this case I will tell you a story about his dog—and almost gave his life to prove it when he was a child. He and his dog, Pride, were playing fetch in the snow one winter. The big dog ran over the stick Newt threw and skidded onto a frozen creek and fell into the water. Those of us in Florida don't have any understanding of this, but we have seen it on T.V. Without hesitation, Newt dove into the freezing water, pulled her from beneath the ice, and got her back on shore.

His interest in animals made newspaper headlines. When Newt was 10, he wanted to have a zoo in Harrisburg—at that time he lived in Pennsylvania—so he developed a plan. He took a bus, on his own, to City Hall and laid out the plan for city officials. The next day's newspaper headline was, "Boy explains zoo needs to state/city leaders." At this early age he became convinced that one person can make a difference. He started as a lobbyist, obviously. And from that, his involvement with the Atlanta Zoo is noteworthy. He has personally been involved and donated an endangered Black Rhinoceros and two endangered Komodo Dragons. All started with that dog.

And the last, but not the least, of all those things, we should remember he lived in France for a while. His father was in the Army, and he was taken to the site of the World War I battle at Verdun. Seeing the remains of over 10,000 soldiers displayed there and hearing the causes of the war, the Speaker became convinced that bad politics can cause wars and that good political leaders can prevent them. Thus, at age 15, he first considered running for the House one day. I would say the rest is history.

The Speaker is going to introduce our Speaker of the U.S. House of Representatives, but it is my honor to be here with him today. [applause]

Speaker Webster: Guests, Members, it is my pleasure to introduce to you the Speaker of the United States House of Representatives, the Congressman from Georgia, the Honorable Newt Gingrich. [applause]

The Honorable Newt Gingrich addressed the Joint Session as follows:

Speaker Gingrich's Address

I thank you very, very much for that very warm welcome and for the honor that you pay me by allowing me to come here as a neighbor from the state of Georgia to—as a fellow legislator—to share a few ideas. And I really am grateful that you would take the time. I know how busy your session is. I know how much you're accomplishing, and you're frankly a lot further down the road on your budget than we are on ours, so I'm not sure I have much role to come here and report too much. But it is a great honor, and I think we share the same experience of running for office,

of representing constituents, of working in a legislative body with our colleagues and trying to get things done. And in so many ways, under our federal system, if we can delegate more and more power back home as we have with welfare reform and get more power back home over things like vocational/technical education and a whole range of areas where we could give you more responsibility for you to represent locally the uniqueness of Florida, I think that we would then be a much healthier country.

So, in a very real sense, I come as your partner in a federal-state relationship of trying to get out of Washington and back home to the communities more power and more responsibility in America. And it's in that spirit that I want to come today. I can't help, though, but say, as I look out, and I must say, both Mr. Speaker and Madam President, that it's a great honor to be with you two. We have been friends and I've watched with great admiration the way in which the whole system has developed down here. But as I look out over this body, I think back to those years ago when my dear friend and colleague, Bill Young, was serving here by himself as the only Republican, I believe, at that point. I just want to report that Bill is doing fine and he is now Chairman of the Defense Appropriations Subcommittee. It's a small job. It only spends about 240 billion dollars a year, but he's doing what he can to make sure that he took all of the lessons from the Florida Legislature. He still has the seat that was given him by the Senate, or the desk, rather, there. So you have quite a delegation. I just left this morning chatting with Connie Mack, who's one of my closest friends in the Congress, and I thank the state of Florida for sending him, and he has done an extraordinary job. I should say both on behalf of Connie Mack and John Mica, who had been working on it, that we hoped to get the BESTEA Bill [Building Efficient Surface Transportation and Equity Act of 1998] done in the next few weeks and that Florida—like Georgia, a donor state—will be in dramatically better shape in about 2½ or 3 weeks and we will have far more of our share of our tax money back in our states. [applause]

I had mentioned that Bill Young does a great job on defense. Let me also point out that this is a state with a unique range of talent and skill in its congressional delegation. Porter Goss and our good friend Lincoln Diaz-Balart, who both serve on the Rules Committee—I think you are the only state to have two people on the Rules Committee in modern times. And in the case of Lincoln, of course, who works very aggressively not only on every bill that comes through but also and particularly on foreign policy, where he works with Ileana Ros-Lehtinen, who serves on the Foreign Affairs Committee. But in addition, Porter Goss not only works with Lincoln on Rules; Porter is the Chairman of the Intelligence Committee and, again, brings, I think, from a Florida perspective, a unique set of concerns. Let me also mention on defense, Tillie Fowler and Joe Scarborough also work on defense issues. And so, again, you have, I think, a very powerful representation in an area which is both for the nation and in terms of Florida's economy a very, very important component. You also have had, many of you have participated, I suspect, in drafting the state implementation of welfare reform where we returned enormous power to the states—a welfare reform, I might point out, which has been very successful across the country. There are today 2,200,000 fewer people on welfare, 2,200,000 more people in the private sector earning a living, and it's a major reason that this year we will have the first balanced budget since 1969 and the largest budget surplus in American history because we've changed that dynamic. [applause] And by the way, Mayor Rudy Giuliani reports that New York City now has the lowest level of welfare participation since 1967, as we continue to implement. And you can be grateful and proud here in Florida that the leading figure in developing that welfare reform bill was Clay Shaw on the Ways and Means Committee representing the state of Florida. [applause]

We are collectively concerned now—we talked a little bit about drugs. I just wanted to report to you that Bill McCollum is one of the co-chairs of our task force on drugs and represents the effort to rebuild the interdiction capability which was working up through 1992 and then was dismantled by the Clinton-Gore administration. But we are

rebuilding our capacity to stop drugs, and we think if we can stop both illegal drugs and illegal immigrants that we can dramatically improve the physical safety of Americans because violent crime will go down and we save a lot of our young people from addiction and the potential threat of death. Fourteen thousand Americans a year die because of drugs directly and another 6,000 die because of violence and other drug-related activities. And if you're a woman in a home that has hard drugs, you are 28 times as likely to be killed as if you're in a drug-free home. So there's a lot—you want to reduce violence, we need to reduce drug use. And I think that you should be proud of the fact that Bill McCollum is doing a very, very important job in the area of drug use.

Let me also say, as a state that has a large number of retirees, that Mike Bilirakis's role—he is not only chairman of the subcommittee which deals with Medicare and Medicaid, he is also on the Medicare Commission and is working to save Medicare for the baby boomers and their children. He's working closely with Cliff Stearns, who's also been—not only serves on that committee with Mike, but also serves in a very important way in veterans' affairs. And, again, as a state, there's an awful lot of veterans who are either from Florida originally or have retired to Florida. Veterans' activities are very, very important. We need to continue to modernize the Veterans Administration, and Cliff is playing a key role there.

Dan Miller is both vital in terms of being chairman of the Subcommittee on Census—and every one of you knows just how important the census can be. And let me ask you to look carefully at this issue of a statistical adjustment. It may, in theory, at the aggregate level nationally, make some sense if you are a mathematician who has never been in politics. You get down to the level of Dade County and you start statistically sampling between the Haitian, Nicaraguan, Cuban, and other populations, and you are going to have chaos. Because you will literally skip entire populations statistically. People will not only be underrepresented and overrepresented, they will be nonrepresented. And the basic principle in our Constitution of an actual enumeration, which is the wording in the Constitution, is very important because every American citizen deserves to be counted. And if that means in the most difficult-to-count neighborhoods we need to hire the Postal Service, which probably has the highest knowledge of these neighborhoods, it is better by far to pay for an honest, accurate count of every city than it is to start down the road of a bunch of mathematicians, at political direction, estimating whether or not, in fact, people are alive. [applause] Dan Miller is playing a very key role in that area as he also has played in the area of developing Medicare.

Let me also suggest—my other colleague who joined us today—both Lincoln and Mark wanted to come back and look around for a little bit. They both served in both the House and Senate, and they had the chance to come down here for a little bit and report in to you. And they were also briefed, and I think they were also worried that if I came down unprotected, who knows what would happen. So they briefed me all the way down on what I could and couldn't do. But Mark Foley's played a great role in a couple of things that are very important to Florida. First of all, he is very aggressive in the whole area of travel and tourism. There is no industry that in the long-run is going to be more important to the U.S.; it is the second largest industry in the world. And it is going to create more and more jobs and more and more revenue for us. And as the rest of the world gets wealthier, they're all going to want to visit Disney World. And so the result is going to be more foreign exchange, frankly, for the United States. And Mark plays a key role there. But he's also played, I think, a very creative role along with Clay Shaw in helping us work to save the Everglades.

We had a very innovative idea, which is take federal land which is—if, for example, in the inner city, HUD properties not developed that are deteriorating, swap them to developers in return for land that is environmentally sensitive. This is not a new idea. In fact, it was done for the 10,000-islands area of the Everglades, which was actually acquired on a swap for downtown Phoenix land. It's something Bruce Babbitt knows perfectly well because he was Governor when he arranged for the

swap of the land in downtown Phoenix. Sadly, the Clinton administration has been very, very slow in implementing this. But Mark deserves a lot of credit because with his drive and leadership and the rest of the delegation, we actually were able to pass a 300-million dollar program specifically for the Everglades—plus permission to swap an additional 100 million dollars of federal land to acquire environmentally sensitive areas for Florida. So, I just want to commend Mark for the leadership he has shown in those areas. [applause]

Let me also say that Charlie Canady is showing great courage. He is the leading advocate of a bill which would eliminate quotas and set-asides, and I think it is very important to this country that we become truly colorblind and that people and contractors are treated based on their qualifications and whether or not they meet their qualifications. This is not an excuse to go back to cronyism and old-boy networks. It is an argument for saying that we ought to have genuine competition with the widest possible bidding with plenty of affirmative outreach to make sure everybody's included in potentially being hired and everybody's included in bidding on contracts, but that the lowest bidder should, in fact, if they're honest and fair, get the deal because in America we shouldn't rig the game. We should allow fair, open competition. And we should insist on fair, open competition, and Charlie Canady has been the leader in pushing that.

Finally, Congressman Dave Weldon is working very, very hard on science in general and on the space program in particular. This is a permanent battle because, frankly, science is underrepresented politically. Science is the heart of this country's future. Basic research is the core of where we need to go. And yet the fact is that there are a lot of other pressure groups that would eat the seed corn of the next generation's knowledge. And Dave is very active in fighting to make sure that we get the money for research. It's of vital importance to Florida and jobs, but, frankly, it's of vital importance to every American in terms of quality of life and the future. So, I'm just very proud to be working with him.

I should say that I know that Lincoln has a brother who is serving here in the Legislature. Let me also say that Carrie Meek wanted me to make sure that I said to Kendrick that she was doing her job in Washington; she was counting on him to do his job down here. And I also want to report to all of you that we have been working very closely with Alcee Hastings on a number of issues, and it is very encouraging to reach out on a bipartisan basis to the Florida delegation and to work on a variety of these things.

Let me go back for a minute, though, before I talk about domestic things. I mentioned the important role the Florida delegation plays in foreign policy in our national security. I happened, on the way down, to be looking at *The Miami Herald* and, front page today: "U.S. Loses U.N. Vote on Cuba." Here's the opening sentence: "In a startling defeat for U.S. policy in Cuba"—the President of the United States just went to a summit in Chile. Only two Latin American countries voted with us in the U.N. The Clinton administration, whether by design or incompetence, has consistently allowed the pressure on Fidel to decay. Now, we have a bill which has become law which is very straightforward; we want to end the embargo. This may startle some of you. Here I am a conservative Republican; I want to end the embargo. We not only want to end the embargo, we want to have a Marshall plan to help the people of Cuba recover from dictatorship. And we've written it into law; it's signed into law. All it requires is a vote. There has to be a free election.

Now, if that principle is good enough for East Germany, if it's good enough for us to send troops to Bosnia, if it's good enough for us to go to Haiti, it seems to me after 30 long, difficult years, it shouldn't be that hard for the Clinton administration to be able to say over and over again, We are committed to freedom in Cuba and we believe it's very, very important. [applause]

And let me say, by the way, for everything the President says about Saddam Hussein, who's apparently far enough away he can safely

oppose him, [laughter] we have as much evidence about biological and chemical warfare with Fidel Castro as we have with Saddam Hussein. We have as much evidence of the danger of terrorism from Fidel as we have the danger of terrorism from Saddam. And if in fact he goes through with building a nuclear power plant of an obsolete design without international inspection, you have the largest environmental danger to Florida will be a Chernobyl-type release. This is a real and a present threat—by the way, underwritten, apparently, by a 350-million dollar loan from the Russians who apparently loaned him the money we're loaning the Russians. [laughter] Now, this administration needs to thoroughly review its policies. And if the Russians insist on having enough money to loan to Fidel, we should cut off the money we're sending Russia. [applause]

Here at home, let me start by thanking this Legislature because you passed the Tri-State Compact on the Chattahoochee-Flint-Apalachicola Rivers, which was a six-year-long water war that we hope will now become a water cooperative. We are upstream, so we recognize that we owe you clean water and enough of it. At the same time, I can tell you, since the City of Atlanta has one of the smallest watersheds of any major city in the country and all that watershed is the Chattahoochee River, you held us literally by the throat. If we'd gotten in a long lawsuit, you could have strangled economic development in the Atlanta area for as long as it took to go through the courts. It was an act of real statesmanship to put together that compact. I am delighted that it was signed. We have a few things to work out with the Federal Government, but I'm also here to pledge to you that I would like to work with you on a state-federal partnership to design a real-time monitoring and management system for that entire river basin to be the world model of how you would really use information-age technologies to be able to manage a river system.

And, I think, between places like Georgia Tech and Auburn and Florida State, we could build a really sophisticated development. [applause] And we'd be in a position then—if I might say, I just picked those because they're the major system places closest to the river. But the fact is, I'm not going to get involved in those shouts about the best. [laughter] I mean, you may think there are problems in Florida, then I go back home and the Georgia fans all show up. Let me just say that my point's this, though: we have a level of potential scientific knowledge at monitoring and developing river basin ecosystems that stretches across political boundaries and that is a different world than what we've done in the past. And, so, I'd like us to work from the ground up as we build this compact to really have the finest database in the world and to make it a real-time database, so we can be changing behaviors as we need in order to be able to really develop things. But I thank you for the leadership you showed as a legislature in helping us get that through. It was very, very important and very important to the City of Atlanta.

We came out of the Contract with America period having reformed welfare, saved Medicare without a tax increase, cut taxes for the first time in 17 years, and balanced the budget. A lot of people say, Well, it's not a real balance, and they gave all sorts of arguments.

We set out to balance the budget in 2002. With your help in areas like welfare reform, we have reduced the cost of entitlements by 600 billion dollars over the next decade. We saved—with Bill Young and other members helping us, Dan Miller on Appropriations—100 billion dollars in domestic discretionary spending because we were firmly committed to getting to a balanced budget. Alan Greenspan in the Federal Reserve kept interest rates about two percentage points lower than they would have been. And you can figure out—whether it's for state government, city government, whether it's for people paying off student loans or folks buying a house—two percentage points is a lot of money. The result is we've had a long period of economic growth and we've controlled federal spending. We thought we'd get the budget balanced by 2002. About four months ago they said, you know, we might actually balance it this year. Said they think we'll get about 8 billion dollars. Three weeks ago they said, you know, it might be 18 billion dollars. The largest surplus in

American history was 11 billion dollars in 1947 or 1948. Then they said, actually, the Federal Reserve now has a projection that it could be 50 billion dollars.

Now, I mention this for two reasons. First of all, to go from this year's projected deficit of 229 billion dollars, which was the projection the day we were sworn in as the majority, to a surplus of 50 billion dollars in 3½ years, by the standards of any corporation in the world, is real change. [applause]

But second, I think this is as important as the economic effect of lower interest rates, lower taxes, a balanced budget, more economic growth, more jobs, and more take-home pay. As important as all that is, there's a second question. We set out in the Contract with America to say, We will go to this place. Our key commercial was a two-page ad in *TV Guide*, the most expensive single thing we did in 1994, which didn't attack any Democrat, didn't mention President Clinton, didn't have any pictures. It just said, if you elect us, here are the 10 things we'll do, and it was very fine print. I say that because 9 million additional people turned out to vote that year because they really liked somebody being positive. And that was the largest single one-party turnout in American history for an off-year election.

And I really believe, despite all the soap opera stuff and the headlines; despite all the scandal-ridden stuff in the evening news; despite all the negative commercials that all of the consultants will tell all of us to run; that there is a hunger in this country for a positive direction and a positive leadership because people know if America is going to succeed in the 21st century, if we're going to adjust to the Information Age and compete in the world market, we need leadership dedicated to real change in a positive way that applies basic American principles with a commonsense, adult approach.

And I came today to suggest to you four goals for our generation as the logical next step in terms of building on what we accomplish with the Contract with America. Let me say to all of you that I am very pleased and very proud of what you're doing on tort reform because the fact is, that is one of the things we could not get through out of the Contract, something we'll be coming back to later on. And if you finish successfully and can get it signed, we're probably going to look at what you're doing here as a model of what we will then do in Washington, D.C. So, that's one of the leftovers from the Contract with America, but I'm delighted at what I see happening here. And I understand there's some leadership involved in this. I'm not—[laughter] but the four goals I want to suggest to you are very large, and taken together, I believe they are larger than the Contract with America.

The first goal, I think, ought to be to make winning the war on drugs and reducing violent crime the highest priority in this country. And by that I mean taking seriously everything from education (don't do drugs), to rehabilitation (if you're doing drugs, we'll help you get off them), to very strong sanctions against users (because you shouldn't be doing something illegal), to very aggressively going after drug dealers, to very significant interdiction to efforts in other countries, and to going after the money in the banks. So that on every front—and the model I would use is a World War II style model. We tend not to think about this. The Second World War for the United States lasted from December the 7th, 1941, to September 1945. It's less than four years. In less than four years, we mobilized a nation and defeated Nazi Germany, Fascist Italy, and Imperial Japan because we were serious. We didn't create a World War II czar and then overrule him. We didn't create a World War II czar and then not fund him. We didn't say to George Marshall, Why don't you invade Europe? But you can't have any ships, you can't have any tanks, and you can't train any troops. We said tell us what it takes to win.

We've been saying to the drug czar, Barry McCaffrey, who I think is trying to do the best he can in a virtually impossible situation. We've said to General McCaffrey, who is a four-star general, give us a World War II style victory plan. And I came here in part to say to you, as a legislature, it would be very helpful over the next six months if you would help develop a master plan for Florida, and come back to us and

say, if we're serious about a drug-free America, here is what Florida needs from the Federal Government, and here is what Florida will do as its share. And let me suggest to all of you if you would read Rudy Giuliani's speech last fall, which I put in the Congressional Record, it is the finest single speech on the war on drugs by anybody I have read. And, as Mayor of New York, he is going to come as close to creating a drug-free New York as you can, and it is systematic and clear.

Now, there are a couple of things that become obvious. You have to be very, very clear. Under Reagan and Bush we were very, very clear. Drug use dropped by two-thirds. When I say we can win the war on drugs, as a historic fact, drug use dropped by two-thirds between 1979 and 1992. That's a fact; it's not a theory. They started back up under Clinton and Gore and have risen dramatically, as has teen smoking.

Now, why did it drop? It dropped, first of all, because Nancy Reagan was right. If you just say no, it works. If you laugh about inhaling, it doesn't work. If you're confused about needles, it doesn't work. You have to send one simple, consistent, direct signal to every young person: Do not do it.

Second, we spent a lot more on interdiction, and we interdicted deep. We interdicted in Bolivia; we interdicted in Peru. This administration adopted a totally failed strategy of waiting until drugs got to Mexico, and what it did is it increased the corruption of Mexico. I don't know what they thought would happen. You have drug dealers with billions of dollars and modern technology and good lawyers who are dedicated to winning the war on drugs for their side. And you have a confused administration that doesn't apply the resources, doesn't have a rational strategy, and isn't willing to do what it takes.

There was a period where we had no aircraft flying over the Caribbean. The most powerful nation on the planet, and we couldn't protect our own children in Florida because we had no aircraft left. The last AWAC plane was sent to Alaska to look for oil slicks. Now, what kind of priority list is this? And despite the fact that we've had 20 years of worrying about the Caribbean, it has never occurred to any administration to simply put a satellite up directly over the Caribbean and simply have real-time, 24-hour-a-day monitoring day and night. And is that expensive? Sure. It's a lot less expensive than the next thousand kids who'll die. It's a lot less expensive than the next 10,000 addicts.

So, I came here first of all to say to you, I think our number one goal for our generation should be to take seriously returning America to the country we once were. And prior to 1965, drug use was rare and it was not a threat in your neighborhood. And there is no town in America, no suburb in America, no city in America which is, today, safe. But you have my pledge that the team we've assembled, that Bill McCollum and Denny Hastert and Rob Portman lead, is going to work hand-in-hand with your Legislature and hand-in-hand with the mayors, the sheriffs, and the county commissioners to develop an effective plan. And we will provide the resources and we will change the federal law until we make sure—until we win this war. [applause]

Second, I think we should have as a goal a world-class system of education and learning. And here I want to commend all of you because I know you've already taken major steps in education reform. Frankly, your Education Commissioner is a national leader on education reform. He's been in my office; we've talked about new ideas and new approaches. There are things that you are doing that are steps in the right direction.

But I want to suggest two standards that are a little different: an education standard, which is when the teacher knows what you should learn and the teacher is in charge; and a learning standard, which is when you know what you need to learn and you are pursuing it. The Information Age gives us the potential to create a real-time, seven-day-a-week, 24-hour-a-day learning system unlike anything we've ever seen before. And I'll come back to that in a minute.

But let me start with education, and let me be clear, I'm here addressing the Legislature, in part, because I don't think we can solve this in Washington, D.C. I do not think Washington bureaucrats will end up educating a single child in Florida. I don't think Washington red tape will teach literacy to a single child in Florida. And I think the bill that Congressman Pitts has proposed to return 95 percent of the money back home so that you have it in the classroom locally is a lot better than the layer upon layer of bureaucracy in Washington which has been wasting the money. [applause] And let me also say, one of our highest priorities at the federal level should be, and for us in the Congress will be, to get to full federal funding of the federal share of the Individuals With Disabilities Education Act [IDEA]. We say we're going to pay for 40 percent of it. We currently pay for 7 percent of it. Yet, for many small local communities, it is among the highest single costs they have. And if they are going to mandate it federally, we ought to pay for it federally, and you will see a major effort on our part to eliminate bureaucracies in Washington to move the money in to pay for our commitment to your local schools on IDEA, and on the Individuals With Disabilities so that children with disabilities can get funded. And the Federal Government ought to meet its share of that assignment.

But let me suggest to you something you could adopt at the state level that fits in with where you're already going in terms of standards. I believe nationally we ought to adopt one major goal for education. And that is for every child to learn how to read and write by the end of the first grade. And if they can't read and write by the end of the first grade that they be immersed in reading and writing. And the reason is simple. If you can read and write, you can then do virtually anything else. You can gradually learn almost any other skill. If you can't read and write and you give up on learning how to read and write, and you become embarrassed because you've fallen behind, you will probably not learn anything else.

Now, I can't give you statistics for Florida, but I was very sobered by Mayor Richard Riordan of Los Angeles, who is a passionate devotee of reading and writing. He has personally, as a businessman, given millions of dollars to literacy programs. It is his estimate that, in the poorest neighborhoods of Los Angeles, 88 percent of the 18-year-olds cannot read and write at an eighth grade level. It's his estimate that in the poorest neighborhoods of Los Angeles, or the neighborhoods with the poorest schools, rather, only 12 percent of the 18-year-olds today can read and write at an eighth grade level. Now, if you think about it, normally you'd say—if I came and said only 88 percent can read and write—we have 12 percent we're losing. Thirty years ago that would have been considered a crisis. Yet, the Mayor of Los Angeles is saying flatly, he believes we are losing 88 percent [sic] of the kids in those neighborhoods.

So, I think we have to focus on reading and writing, and I want to be direct, and I know it's controversial. I think they have to be able to read and write in English because it is the language of opportunity and prosperity in this country. And every child should have the maximum chance to pursue happiness, and that means the maximum chance to get a job and to rise. I think every child should learn a second language, but I think they have to learn English.

Second, you have a provision in your state law which I think could be expanded slightly and have a huge impact. You require in your state law that children learn about the Declaration of Independence. But, I think, frankly, if you went out to the average school and said, OK, so how much have you learned about it? You'd find out it was not quite as much as you might have hoped. I have been proposing that we dedicate one day a year from first through twelfth grade, every year, to studying the Declaration of Independence and the Constitution. First of all, you can use it to teach reading. You can use it to teach history. But there's a more important reason, and Florida represents this as much as any state in the country. To be an American is a learned civilization. You can come from anywhere in the world and become an American. You're born African. You're born Caucasian. You're born Asian. You become an American. You have to learn it. It's about private property, the work

ethic, the rule of law, free speech, the right of free elections. There's a whole bunch of things that come together in this magic, romantic thing that we call American civilization. And, yet, we're not teaching our kids. Why would we expect them to learn about our civilization if they never study it?

And the Declaration of Independence is particularly important for three reasons. First of all, it starts with the phrase, "We hold these truths to be self-evident." And it's going to sound very old-fashioned, but I want to point out how they worded that. They didn't say propositions, ideas, arguments; they said truths so obviously truthful they were self-evident, not debatable. And I want to suggest that Washington may need to learn this lesson more than any place else. But I believe truth is at the heart of a free society, and if truth disappears, it is almost impossible to imagine a free society surviving. And these truths were so obvious to these members that they signed their lives, their fortunes, and their sacred honor. Now, imagine you believed something enough—and, of course, they meant it. They raised an army and put it in the field for seven years; some of them were killed, most of them were bankrupt. That's a pretty deep belief in truth.

Second, the Declaration says, "We are endowed by our Creator with certain inalienable rights." It's a very important concept. You see, in the European model, power went from God to the King and was loaned to the citizen. That's why, in the end, Brussels will be worse than the IRS. In the European model it is the state which is at the center of society. But in the Anglo-American model, power goes from God to the citizen and is loaned to the state, which is why the Constitution begins, "We the people of the United States of America," which means that we are a society-based system which creates a state. It's a very different model and almost none of us are taught it, frankly, in college anymore because almost all of our college professors learn the European model. They don't understand what America is all about.

There's a third thing. While it will undoubtedly lead to an American Civil Liberties Union suit, the fact is, you can't teach the Declaration of Independence without explaining the word Creator. What did the founding fathers mean when they wrote, "We are endowed by our Creator"? I think this is very, very important. Let me say, first of all, as a historian, they meant God. They didn't mean mystic being. They didn't mean large clockmaker. They didn't mean banana in the sky. They didn't mean meditation. They meant God.

You can't read Washington's First Inaugural, Washington's Farewell Address, and Jefferson's Second Inaugural without understanding that they mean God. And you can't understand America if you read Lincoln's Second Inaugural Address, he mentions God 14 times in an address short enough to be engraved in stone on the Lincoln Memorial.

Only since 1963 have we had this maniacal effort to drive God out of the public square. It is absolutely wrong, and it's wrong for a profound reason. If we are simply randomly gathered protoplasm, then exploiting each other is just a matter of good defense lawyers. [laughter] You know. There are no rules, there is no justice, there is no romance. You were available, I needed to exploit somebody, I exploited you. What are you complaining about? Don't be vulnerable next time. That's the law of the jungle. But if you know the person next to you is endowed by God, then if you rape that person, you are raping somebody God has personally endowed with the right not to be violated. If you kill somebody who is endowed by God, you have violated God's law. Now, this is not a sectarian position.

And I remind people that Jefferson was—the liberals always like to say, Jefferson, well, he really was a Deist. They don't actually know what that means, but they're confident it means he wasn't a Baptist, and they regard that as reassuring. [laughter] Since I'm a Baptist, I'm allowed to make that comment.

Let me just suggest to you, the next time you visit Washington, go to the Jefferson Memorial and look around the top where it is engraved, "I have sworn upon the altar of God Almighty eternal hostility against all

forms of tyranny over the minds of man." And ask yourself, why did Jefferson write, "I have sworn upon the altar of God Almighty"? Now, I happen to think, and this is why I'm a Conservative, that Jefferson had a remarkable understanding of the English language and probably meant, "I have sworn upon the altar of God Almighty." [laughter] But I'm sure you'll find somebody with a tenured chair who will explain to you by appropriate deconstructionism that he actually meant to say, "The Great Banana in the sky having blessed me." And it's very important. And I'm making it humorous, but I can't tell you in my heart, at 54 years of age, having thought about this for 40 years, how deeply I believe returning this society, not to sectarianism, not to a Catholic country, not to a Baptist country, not to a Jewish country, but returning it to an understanding of the spiritual base of this society. And if you have any doubts, as I said, read Washington's First Inaugural; read his Farewell Address; read Jefferson's Second Inaugural; read Lincoln's Second Inaugural and look at those four documents. Or, in the modern era, do as I once did in a course: play Franklin Delano Roosevelt's radio address on June the 6th, 1944, when for eight minutes, he led the nation in prayer. He didn't say, I hope you all will pray eventually in a way that is not too public. He said, I hope all of you will join me in praying for our sons and our fathers. And he began, "Almighty God," and then he prayed on the air for eight minutes at the beginning of the invasion of Normandy. Now, that is a healthier America. It's an America that will have a lot less drugs and a lot less teen suicide and a lot more freedom and a lot more safety. And it's at the heart of the education reforms we need. [applause] Thank you.

Let me say this—two more things about education. At the risk of meddling, I want to recommend you consider seriously a bill that says very simply if your school is in the bottom 20 percent in performance, there is no tenure, there is no union contract, there is no bureaucracy, there is no credentialing. If your school is in the bottom 20 percent, the children of your school are being cheated, and we have the right to replace every person and every practice in this school until the children are getting a good education. Seems to me we ought to defend the children. [applause]

And let me in particular, in that sense, commend Jeb Bush for the Liberty City charter school. It takes great courage to go to some of the hardest places and start the best schools.

But the fact is, I am a populist. I believe every child of every ethnic background in every neighborhood deserves a world-class education because they cannot have their God-given right to pursue happiness in the Information Age if they can't read and write and do math. And so I think we need much bolder commitment. [applause]

And, by the way, the test is simple: by the children learning. If the children aren't learning, don't give me the last five bureaucratic excuses. Are the children learning? And the test doesn't have to be a 70-million dollar, culturally normed, statistically accurate, computerized system. [laughter] The test of reading ought to be simple. You hand the child a book. The child reads. You ask the child questions. But when you start going down the road of highly sophisticated testing, which is, frankly, make-work for statisticians, what you create is an environment where the teacher teaches to the test, the child studies to the test, and learning disappears in the interest of grading. And that's not what we're describing.

Lastly, I want to talk for a minute about learning as opposed to education because it's the greatest breakthrough of the 21st century. We're right at the edge of it, but we need more boldness and more focus. I'll give you an example of what I mean by learning. Recently, I went to Egleston Children's Hospital at Emory. They showed me a system they used for very, very young children between prenatal and about six weeks of age where, if they have a lung disease, they will use a membrane breather which is very soft, because a ventilator is so strong it will literally destroy their lungs. And they were telling me with great pride that they had recently used this system on a 55-year-old woman and saved her life. But, here's the magic. She was at Piedmont Hospital,

arguably the most prestigious hospital in Atlanta, and she was dying. Her children got on the Internet and discovered three places in America that were using this membrane system on adults. Her children went to the doctor and said, Would you mind calling Egleston to see if they could do this? The doctor didn't have a clue. The doctor called Egleston and they said, well, they'd never done it, but of course it could be done. They gave him the same citation on the Internet; the Egleston people read the citations, called the doctors, figured out exactly what to do; they moved the woman over by ambulance; and her life was saved.

As you go into an Information Age, you have two magic intersections. One is the sheer scale of knowledge is going to be so great that the meaning of "expert" is going to change. Nobody will know what's going on. There will be no expert who truly knows their field because their field will change so rapidly.

I recently asked Dr. King, the woman who discovered the breast cancer gene, "How often do you think cell biology textbooks get obsolete?" She said annually, that the breakthroughs in the human genome project are so massive that if you're looking at last year's textbook, it's no longer accurate. Well, the next time you visit your doctor, ask them the last time they read a cell textbook. It'll give you some idea of how many generations behind the current state of the art they are. This is not to say they're dumb, but we need to rethink how you deal with this scale of information.

Secondly, when I was a kid we went to libraries. Those of you who visit schools, if you're like me, and almost every elected official goes to schools, you now go to media centers, right? Sometime over the last 30 years libraries became passe. Libraries had books. Media centers have books, and they have television, and they have videotape, and they have other—the media center of the 21st century is your personal computer.

There's a firm in California called Net Schools that now builds a child-proof computer, it's literally magnesium. You can stand on it. You can throw it against the wall. You can pour milk on it. It's designed to be taken home by the child, starts with first grade. Here's your computer. They said they don't have a hard drive, but they have a pretty good memory system. I said, "How much memory?" They said 128,000 pages. So, you can imagine for the average first-grader, this computer is overkill; plus when you go home, you can access the Internet.

Now, my point is this. Within 20 years, every citizen of Florida, the most rural, the most elderly, the youngest, will potentially have access seven days a week, 24 hours a day, to the world of knowledge. We don't know how to organize it. We don't know how to think about it. And because it doesn't fit the school of education credentialing process, and because it doesn't fit the Carnegie unit sitting on your rear end waiting to have enough hours processed, and because it doesn't fit the average-daily-attendance way we pay for schools process, we're not spending the energy on it we should.

But you ought to think boldly. How could you make Florida the most wired state in the country? How could you give all forms of knowledge available to every citizen? And how could you do it so it's convenient seven days a week, 24 hours a day in their home? That's what a world-class learning system will be like. It's going to come because the technology is available, but it will come slowly because the bureaucracies won't profit from it, and it's something I really urge you as elected officials to look at.

Our third goal is one I hope we can enact this year. We have this problem I mentioned to you earlier. We have a 50-billion-dollar surplus. This is a very new problem in Washington—or it's between 18 and 50 billion dollars. I mean, nobody in my lifetime has had a surplus except once in 1969. We had a surplus—actually, I'm old enough, we had two or three surpluses in the '40s and '50s. No one has ever had a decade of surpluses. We're now projecting 10 straight years of surpluses, probably amounting to about a trillion dollars. Now, of course, if you leave it sit in Washington, it will not be a problem. It will be spent.

But here's what we could do with it. If we took the surplus and created a Social Security savings account and every October when we announced that year's surplus, we sent back to every citizen in Florida who paid FICA tax their share of the surplus, and we allowed it to have a tax-free interest build-up, the first year could potentially be 350 dollars. Not a lot of money unless you're 20 years old. If you're 20 years old and you're in the average rate of interest the stock market has paid since 1920, the average since 1920, including the Great Depression. When you retire that becomes 5,600 dollars. If you do that for four, five, six, seven years in a row, you begin to have real money.

And our goal is very simple. If we were able to give people a Social Security savings account—we have not touched FICA now, nobody on Social Security's threatened at all. We haven't changed the system at all. What we have done is given the baby boomers and their children a savings account they control that the politicians can't borrow, that they get a quarterly report on, and it has two huge effects.

First, it means that every young person can look forward to actually having a retirement account under any circumstance, and if that account is applied against our Social Security obligation, it means we have actually saved Social Security permanently without a tax increase or a benefit cut, and some time in the 21st century we actually start cutting the FICA tax because we get more money saved than we need.

Second, it means that the poorest person in Florida, in the poorest neighborhood, the minute they go to work—a 16-year-old out here who has nothing, living in public housing—the minute they go to work, when they pay their FICA tax, they get a savings account. They get a quarterly report. They learn about savings and investing. They learn about compound interest. And within a very few years we will have ended class warfare in America by creating one class. We'll have 130 million savers and investors who understand that their future is a stronger, healthier, better America. I think that's a future that brings Americans together, that re-creates trust among the baby boomers and their children, that gets the money away from Washington before we can spend it, and that saves Social Security for our senior citizens so they do not have to worry about anything because they will get every penny of their cost-of-living increase. And I ask you to consider it. We have materials I think we're handing out today to give you a chance to look at it. I'd love to get your advice on it through the delegation or directly to my office. But this is potentially an enormous step to save Social Security without risk, and to do it in a way that gets the money back home. It would be the equivalent of about a trillion-dollar tax cut against the FICA, as a credit against FICA, that would allow people to have the money back home. And I think it's a much better way to save the money than it is to create more Washington bureaucracies and spend more money in Washington.

Lastly, the fourth goal I want to suggest—and this will sound a little bit like meddling, because it is. [laughter] But I think we have to be in this one together. And if you think about it, it's actually very, very exciting. We're at the edge of a revolution in how we manage government. If you read the works of Peter Drucker, the management consultant, Edward Demming, the father of the quality movement, if you look at the capacity of information systems, we could create, over the next 10 or 12 years, a dramatically more powerful and different system of government.

Let me give you just two examples. How many of you have ever been out of the country and used a credit card overseas? I'm just curious. My guess would be, almost all of you. OK.

Think about this magic. I mean, when I was an army brat we were paid in U.S. script, not currency, because the French franc was so weak we couldn't use the dollar. We couldn't use greenbacks in France in 1958. And the idea that you could walk around the world, hand over a piece of plastic, get a good or service and leave, would have been magic. But it's more than that.

Marianne and I were in Davos, Switzerland, in February. We went into a store that sold very high-quality German scissors. Now, all of you

who have ever shopped will know that a very high-quality German scissor store is expensive, that's what the term means. And, so, we were looking at really high-quality German steel, with a really remarkable edge, with a fabulous handcrafted design. And my wife decided that she would like to have some high-quality German scissors, and I have two daughters, and we decided, well, we'd get them slightly smaller and, still, high-quality scissors. And being the gallant person I am, I whipped out my American Express card and handed it to the Swiss store, who knew who I was because it was a pretty big event that we were there for the World Economic Forum. And he took it over, and being a good businessman, he put it in the telephone system, and in real time, standing in Davos, Switzerland, found out that my credit card had expired three days earlier. [laughter] At which point, luckily for me, Marianne had seven credit cards available, and he could pick which one he wanted to use. [laughter]

But here's my point. Imagine a planet where you can go to seven countries in a row, stay in seven different hotels, pay with a credit card in all seven, go out to seven different restaurants, pay with a credit card, go to seven different stores, pay with a credit card, come back home, and within 40 days you'll get a note that says, Here's where you were; here's what you bought; here's the day you did it; here's the value in U.S. dollars at that day's exchange rate; and, by the way, this bottom line is the number we expect you to send in.

Now we don't think of that as magic, we think of that as everyday life. Well, let me give you a test. Call the Veteran's Administration, they won't be able to get to your file. Call the Immigration and Naturalization Service, they won't even know that you have a file. Call the IRS, they'll have four files and they will all be conflicting. [laughter] [applause] The Federal Government invented the computer. It was a U.S. government project. The Federal Government subsidized the first chipless assembly line. It was a U.S. government project. The Federal Government built the Internet, and yet we cannot modernize ourselves to provide real-time services on a seven-day-a-week, 24-hour basis. By the way, in Arizona you can now buy your license tag on the Internet. And the result is not only is it more convenient for the customer, but they have discovered that if a person is sitting in their own living room looking at their own PC, they are more likely to buy a vanity plate. And so Arizona is making a higher profit on a lower investment with greater customer satisfaction by putting it on the Internet. That is a minor example of where we are going. My last example: my wife last year had to get her license renewed. In Georgia, you can get your driver's license renewed at Kroger's. So she called around to three different places, and she found 2½ hours, 2½ hours, 1½ hour. Being a good American she went to the 1½ hour. She stood in line for an hour and a half. She was spending 15 dollars. It struck her as she stood there, there were people spending 15 dollars at Kroger's in 90 seconds. You know you go stand—in fact, if you're buying two or three items, you go through the quick line. I am sure all of you have done this at Publix or somewhere. This is probably not anything new, you're probably wondering well yes, this is not new.

But here's my point. We have two clocks in our head. We have a private sector clock, and all of you can check this out in your own life. You walk into a private sector business and there is a second hand. Ninety seconds—this happened to me Sunday; we got in a drive-through line for McDonald's—90 seconds into a private sector line you get impatient. I am a customer. Do they want my money, or not? Why are they not paying attention? Now you have a second clock in your head. It's a public sector clock. It has 15-minute increments. [laughter] I mean all of you say this, I've got to go to the courthouse. I think I'll take a book. [laughter] Maybe it should be a big book. [laughter]

Now here's all I want to leave you to think about. This is all a cultural artifact. We are the inheritors of a German model of bureaucracy codified by the American Civil Service model, so that we now have a pre-typewriter system. We know it violates all human nature if you can't be fired, if you can't be controlled, if you can't be rewarded, if there can't be merit pay, if you have no customer complaint system, if there are no

standards. Why would you think it would work? Not a business in America could operate the way almost every government does. And this is what I want to propose: in a free society in peacetime, if you work all of Monday and half of Tuesday to pay taxes, that should be enough. The rest of the week you should be able to work for your family, your church or synagogue, your favorite charity, or for your own retirement. But for you to be required to work more than 25 percent of the time for government is wrong. Today, nationally, the average is 38 percent. And what I am proposing is that, from school board to county commission to sheriff's office to city council to state legislature to the Federal Government, that we work as a team to modernize, rationalize, downsize, prioritize government to apply Information Age models to apply the lessons of Edward Demming. So—and for you to tell me what I have to do to get out of your way so you can do it faster and better and cheaper and to give me any advice you've got on what I can do faster and better and cheaper—so that 10 or 12 years from now we have cut taxes by a third so you have a faster moving system that is more customer responsive that is actually a better government with better services at lower costs. I believe it is doable. I believe it is hard, but I believe it is exactly the right challenge for the 21st century. I think it will leave us a freer country, a more productive country, and a wealthier country. I think it is the direction we ought to go.

And let me just in closing say this, we are collectively in a very tough business. It's made tougher by the news media's current cultural style, which is to turn politics into soap opera. It's made tougher by some of the politicians. It's made tougher by the interest groups, and it's made tougher by citizens who would like everything yesterday without having paid for it. And that's just reality. This is a very difficult society. And guess what? It always has been. If you read Paul Johnson's *History of the American People*, he has a wonderful line. He says, "The Americans in the early 1770s may have been the lowest taxed people in the history of the human race and they resented every penny." [laughter] It's sort of a nice reminder. But what I want to encourage you with is as you finish up your session and you go back home—and maybe I feel this so passionately and so deeply because of my childhood and living in Europe after the Second World War and watching my dad serve his country and being aware that back then the Soviet Empire was real, and the danger of defeat was real. We really have a marvelous, marvelous opportunity to lead the entire world. We have a chance to draw together as a people from amazing backgrounds. Again, Florida is as perfect as any place in the country to think about how many places people come from. And the ability to elect people who can sublimate civil war into a room where they talk out their passions, their fears, their hopes, their dreams, and make law. And then to make that law in such a way that the rule of law prevails so that every person has their God-endowed rights. That's really a magical thing. It's been done very seldom in all of human history. You are literally key organic biological parts of that. Democracy is one generation deep. It's the generation that is doing it and their ability to teach the next generation. As you have young folks in your campaigns, they are learning from you how a free people govern themselves. As young reporters trying to understand the process, they are learning from you how a free people govern themselves. And we are in the same business, because legislating in Washington and legislating in Tallahassee is the same frustrating, complex, chaotic, confused, exhausting, human process.

And so I came today to say thank you for all of your support for freedom; to say thank you for having helped Georgia dramatically with the Three Rivers Compact; and to tell you that I would like to be your partner in creating four goals for our generation to give all of America and all of Florida a safer, a more prosperous, and a freer future.

Thank you very much. Good luck, and God bless you. [applause]

Following his address, Speaker Gingrich was escorted from the Chamber by the committee.

On motion by Senator Bankhead, the Joint Session was dissolved at 2:42 p.m., and the Senators were escorted from the Chamber by the Senate Sergeant at Arms.

Reconvened

The House was called to order by the Speaker at 3:10 p.m. A quorum was present.

Daily Folder

Justice Council Calendar

Bills and Joint Resolutions on Third Reading

CS/CS/HB 3657—A bill to be entitled An act relating to culpable negligence; providing definitions; specifying conditions for committing culpable negligence causing public financial injury; providing penalties; requiring certain contracts to provide notice of such conditions; providing construction; providing for prosecution by a state attorney or the Statewide Prosecutor; providing an effective date.

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

Yeas—109

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

Nays—None

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

Votes after roll call:

Yeas—Dennis, Hill, Reddick, Turnbull, Wiles

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Rojas, **CS/CS/HB 71** was temporarily postponed under Rule 147 and the third reading nullified.

On motion by Rep. Futch, **HB 4219** was temporarily postponed under Rule 147 and the third reading nullified.

On motion by Rep. Bronson, **CS/HB 3367** was temporarily postponed under Rule 147, the third reading nullified, and its position on the Calendar retained.

CS/HB 3549—A bill to be entitled An act relating to government; creating the "Citizen Participation in Government Act" and providing for its purposes; providing procedures for the judiciary to respond to

lawsuits relating to the constitutional right to petition the government for redress of grievances; defining terms; providing an effective date.

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

Yeas—112

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

Nays—3

Brown	Ritchie	Silver
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Excused from time to time for Conference Committee—Bradley, Byrd, Carlton, Clemons, Lippman, Meek, Morse, Safley, Stabins, Thrasher, Warner

So the bill passed and was immediately certified to the Senate.

HB 909—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in Florida; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

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

Yeas—77

The Chair	Bradley	Edwards	King
Albright	Bronson	Fasano	Lacasa
Alexander	Brooks	Feeney	Lawson
Andrews	Burroughs	Flanagan	Littlefield
Argenziano	Byrd	Fuller	Livingston
Arnall	Carlton	Futch	Mackey
Arnold	Casey	Garcia	Maygarden
Bainter	Clemons	Gay	Melvin
Ball	Constantine	Goode	Merchant
Barreiro	Cosgrove	Horan	Minton
Bitner	Crady	Jones	Morrone
Boyd	Dockery	Kelly	Morse

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

Nays—40

Betancourt	Diaz de la Portilla	Hill	Rayson
Bloom	Effman	Jacobs	Reddick
Brennan	Eggelletion	Kosmas	Ritter
Brown	Fischer	Lippman	Roberts-Burke
Bullard	Frankel	Logan	Silver
Bush	Gottlieb	Lynn	Stafford
Chestnut	Greene	Mackenzie	Sublette
Crow	Hafner	Meek	Tobin
Dawson-White	Healey	Miller	Turnbull
Dennis	Heyman	Prewitt, D.	Wasserman Schultz

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

Votes after roll call:

Yeas—Crist

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

HB 3141—A bill to be entitled An act restricting to specified criminal provisions the applicability provision of s. 64 of ch. 95-228, Laws of Florida, relating to offenses against children, which was inadvertently attributed to the entire act; providing legislative findings and intent; providing for retroactivity; providing an effective date.

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

Yeas—117

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

Wasserman Schultz	Wiles	Wise	Ziebarth
Westbrook			
Nays—None			

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

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

REPRESENTATIVE CRADY IN THE CHAIR

On motion by Rep. Rojas, **CS/CS/HB 71** was temporarily postponed under Rule 147, the third reading nullified, and its position on the Calendar retained.

SB 200—A bill to be entitled An act relating to fines and court costs; creating s. 938.35, F.S.; providing that a county may assign the collection of fines, court costs, and other costs imposed by the court arising from offenses committed in the county and remaining unpaid after a certain period to a private attorney or collection agency under specified circumstances; providing guidelines and procedures; providing attorney's fees to offset collection costs; providing a limitation; providing an effective date.

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

Yeas—118

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

Nays—None

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

So the bill passed and was immediately certified to the Senate.

HB 4219—A bill to be entitled An act relating to mutual aid agreements; amending s. 23.1225, F.S.; redefining the term “mutual aid agreement” to include certain agreements between one or more law

enforcement agencies and either a school board that employs school safety officers or a state university that employs or appoints university police officers; providing for a state university to enter and lend assistance pursuant to such agreements; providing an effective date.

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

Yeas—114

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

Nays—None

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

So the bill passed and was immediately certified to the Senate.

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

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

Yeas—117

The Chair	Boyd	Clemons	Feeney
Albright	Bradley	Constantine	Fischer
Alexander	Brennan	Cosgrove	Flanagan
Andrews	Bronson	Crist	Frankel
Argenziano	Brooks	Crow	Fuller
Arnall	Brown	Dawson-White	Futch
Arnold	Bullard	Dennis	Garcia
Bainter	Burroughs	Diaz de la Portilla	Gay
Ball	Bush	Dockery	Goode
Barreiro	Byrd	Edwards	Gottlieb
Betancourt	Carlton	Effman	Greene
Bitner	Casey	Eggelletion	Hafner
Bloom	Chestnut	Fasano	Harrington

Healey	Mackey	Reddick	Sublette
Heyman	Maygarden	Ritchie	Tamargo
Hill	Meek	Ritter	Thrasher
Horan	Melvin	Roberts-Burke	Tobin
Jacobs	Merchant	Rodriguez-Chomat	Trovillion
Jones	Miller	Rojas	Turnbull
Kelly	Minton	Safley	Valdes
King	Morrone	Sanderson	Villalobos
Kosmas	Morse	Saunders	Wallace
Lacasa	Murman	Sembler	Wasserman Schultz
Lawson	Ogles	Silver	Westbrook
Lippman	Peaden	Sindler	Wiles
Littlefield	Posey	Smith	Wise
Livingston	Prewitt, D.	Spratt	Ziebarth
Logan	Pruitt, K.	Stabins	
Lynn	Putnam	Stafford	
Mackenzie	Rayson	Starks	

Nays—None

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

So the bill passed and was immediately certified to the Senate.

HB 1019—A bill to be entitled An act relating to marriage; creating ss. 741.0305, 741.0306, and 741.0307, F.S., the “Marriage Preparation and Preservation Act of 1998”; providing legislative findings and purpose; requiring the creation of a handbook pertaining to the rights and responsibilities under Florida law of marital partners; amending s. 741.0306, F.S., to provide criteria to be contained in the handbook; amending s. 741.04, F.S.; providing that verification that both parties contemplating marriage have obtained and read the information contained in the handbook created pursuant to s. 741.0307, F.S., is a condition precedent to issuance of a marriage license; amending s. 741.05, F.S., to conform; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; designating such course as the parent education and family stabilization course; providing legislative findings and purpose; authorizing the court in any action between parents in which the custody or support of a minor child is an issue to order parties to attend the family education and stabilization course if the court finds attendance to be in the best interests of the child or children; providing procedures and guidelines for required attendance; requiring parties to file proof of compliance with the court; authorizing a course fee; authorizing each judicial circuit to establish a registry of course providers and sites; authorizing the court to grant exemption from required course attendance; providing parent education and family stabilization course curriculum; providing qualifications and duties of course providers; amending s. 232.246, F.S.; including marriage and relationship education within the life management skills credit required for graduation from high school; amending s. 28.101, F.S.; to provide for an additional fee for filing for distribution of marriage and designates the trust fund for deposit; amending s. 25.388, F.S.; provides a cross reference; providing an effective date.

—was read the third time by title.

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

Technical Amendment 2 (with title amendment)—On page 14, lines 8 & 9,

remove from the bill: all of said lines

and insert in lieu thereof:

Section 8. Paragraph (d) is added to subsection (1) of section 28.101, Florida Statutes, to read:
on page 14, between lines 11 & 12,

insert:

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

On page 14, line 22,
remove from the bill: all of said line

and insert in lieu thereof:

Section 9. Subsection (3) of section 25.388, Florida Statutes, is

And the title is amended as follows:

On page 2, lines 13 through 16,
remove from the title of the bill: all of said lines

and insert in lieu thereof: 28.101, F.S.; providing an additional charge for petition for a dissolution of marriage; providing for deposit of such funds in the Family Courts Trust Fund; amending s. 25.388, F.S.; providing an additional source of funding for the Family Courts Trust Fund;

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

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

Representative(s) Bloom offered the following:

Amendment 3 (with title amendment)—On page 14, lines 8 through 27,
remove from the bill: all of said lines,

and insert in lieu thereof:

Section 8. Paragraph (d) is added to subsection (1) of section 28.101, Florida Statutes, to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(d) A charge of \$1. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph for deposit in the Family Courts Trust Fund created in s. 25.388 for the specific purpose of funding the handbook and materials created pursuant to s. 741.0307. Such funds generated shall be directed to the Department of Children and Family Services. The department will be responsible for administering these funds in accordance with the provisions of this act as well as having the authority to solicit grants and donations to carry out the provisions of this act.

Section 9. Section 25.388, Florida Statutes, is amended to read:

25.388 Family Courts Trust Fund.—

(1)(a) The trust fund moneys in the Family Courts Trust Fund, administered by the Supreme Court, shall be used to implement family court plans in all judicial circuits of this state.

(b) The Supreme Court, through the Office of the State Courts Administrator, shall adopt a comprehensive plan for the operation of the trust fund and the expenditure of any moneys deposited into the trust fund. The plan shall provide for a comprehensive integrated response to families in litigation, including domestic violence matters, guardian ad litem programs, mediation programs, legal support, training, automation, and other related costs incurred to benefit the citizens of the state and the courts in relation to family law cases.

(2) As part of its comprehensive plan, the Supreme Court shall evaluate the necessity for an installment plan or a waiver for any or all of the fees based on financial necessity and report such findings to the Legislature.

(3) The trust fund shall be funded with moneys generated from fees assessed pursuant to *ss. s. 28.101 and 741.01(4)*.

(4) This section shall stand repealed on July 1, 1998.

And the title is amended as follows:

On page 2, lines 13 through 16,
remove from the title of the bill: all of said lines

and insert in lieu thereof: 28.101, F.S.; providing an additional charge for petition for a dissolution of marriage; providing for deposit of such funds in the Family Courts Trust Fund; amending s. 25.388, F.S.; providing an additional source of funding for the Family Courts Trust Fund;

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

The question recurred on the passage of HB 1019. The vote was:

Yeas—94

The Chair	Crist	Lawson	Rodriguez-Chomat
Albright	Crow	Lippman	Rojas
Alexander	Dennis	Littlefield	Safley
Andrews	Diaz de la Portilla	Livingston	Sanderson
Arnall	Effman	Lynn	Saunders
Arnold	Fasano	Mackey	Silver
Bainter	Feeney	Maygarden	Sindler
Ball	Fischer	Meek	Smith
Barreiro	Flanagan	Melvin	Spratt
Betancourt	Fuller	Merchant	Stafford
Bitner	Futch	Minton	Starks
Bloom	Garcia	Morrone	Tamargo
Boyd	Goode	Morse	Thrasher
Bronson	Greene	Murman	Tobin
Brown	Harrington	Ogles	Trovillion
Bullard	Healey	Peaden	Turnbull
Burroughs	Heyman	Posey	Valdes
Bush	Hill	Prewitt, D.	Villalobos
Byrd	Horan	Pruitt, K.	Wallace
Carlton	Jacobs	Putnam	Westbrook
Casey	Jones	Rayson	Wiles
Clemons	Kelly	Reddick	Wise
Constantine	King	Ritchie	
Cosgrove	Kosmas	Roberts-Burke	

Nays—16

Argenziano	Dockery	Lacasa	Ritter
Bradley	Edwards	Logan	Sembler
Brennan	Gay	Mackenzie	Stabins
Chestnut	Hafner	Miller	Ziebarth

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

Votes after roll call:

Yeas—Brooks
Nays—Frankel, Gottlieb, Sublette, Wasserman Schultz
Yeas to Nays—Morrone
Nays to Yeas—Logan

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

HJR 3151—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution relating to an additional homestead tax exemption.

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

That the following amendment to Section 6 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this

state for approval or rejection at the next general election, and, if approved, shall take effect January 1, 1999:

ARTICLE VII
FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(f) *The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding twenty-five thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 6

ADDITIONAL HOMESTEAD TAX EXEMPTION.—Proposing an amendment to the State Constitution, effective January 1, 1999, to authorize the Legislature to allow counties and municipalities to grant an additional homestead tax exemption not exceeding \$25,000 to certain persons 65 years of age or older whose household income does not exceed a specified amount.

—was read the third time by title.

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

The question recurred on the passage of HJR 3151. The vote was:

Yeas—113

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

Nays—2

Posey Sembler

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

Votes after roll call:

Yeas—Sublette

So the joint resolution passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

CS/CS/HB 3265—A bill to be entitled An act relating to boating safety and emergency responses; creating the “Kelly Johnson Act”; amending s. 316.003, F.S.; redefining the term “authorized emergency vehicles” to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term “operate” with respect to vessels; amending s. 327.03, F.S.; directing the Department of Highway Safety and Motor Vehicles to keep certain records and perform certain duties; amending s. 327.352, F.S.;

revising language with respect to the operation of a vessel while under the influence; providing legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35215, F.S.; restoring a penalty for refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations and equipment and lighting requirements to clarify responsibility for compliance; creating s. 327.355, F.S.; prohibiting the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; providing penalties; defining the term "conviction" for purposes of the section; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; providing effective dates.

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

Yeas—115

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

Nays—2

Horan	Lacasa
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Excused from time to time for Conference Committee—Bradley, Byrd, Carlton, Clemons, Lippman, Meek, Morse, Safley, Stabins, Thrasher, Warner

Votes after roll call:

Nays to Yeas—Horan

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

HB 1317—A bill to be entitled An act relating to obtaining personal property or certain services illegally; amending s. 812.15, F.S.; prohibiting the possession or advertisement for sale of certain equipment designed and primarily useful for unauthorized reception of cable system communications; providing penalties; amending s. 812.155, F.S.; prescribing acts that constitute prima facie evidence of intent to defraud; providing authorized means for demand for return; requiring notice on rental agreements; providing penalties; providing an effective date.

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

Yeas—116

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

Nays—None

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

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

Economic Impact Council Calendar

Bills and Joint Resolutions on Third 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. 475.276, F.S.; providing an exception to requirement that real estate licensees provide a notice of

nonrepresentation; 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 third time by title. On passage, the vote was:

Yeas—112

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

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

Nays—None

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

Votes after roll call:

Yeas—Bainter, Sembler, Sublette, Wiles

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

On motion by Rep. Bitner, **SB 1972** was temporarily postponed under Rule 147, the third reading nullified, and its position on the Calendar retained.

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

Yeas—113

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

Nays—1

Diaz de la Portilla

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

So the bill passed and was immediately certified to the Senate.

Bills and Joint Resolutions on Second Reading

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

On motion by Rep. Safley, **HB 3665** was temporarily postponed under Rule 147, the second reading nullified, and its position on the Calendar retained.

On motion by Rep. Safley, **HB 4781** was temporarily postponed under Rule 147 and the second reading nullified.

THE SPEAKER IN THE CHAIR

HB 3975—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; providing legislative intent; requiring licensure by the Department of Banking and Finance to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a failure to redeem; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lenders lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; amending ss. 538.03 and 538.16, F.S.; deleting provisions relating to title loan transactions; providing an appropriation; repealing ss. 538.03(1)(i), 538.06(5), and 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; providing effective dates.

—was read the second time by title.

The Committee on Financial Services offered the following:

Amendment 1—On page 25, between lines 22 & 23 of the bill insert:

(2) The expenses of the department incurred in each such examination may be established by department rule but shall not exceed \$250 per 8-hour day for each examiner. Such examination fee shall be calculated on an hourly basis and shall be rounded to the nearest hour. The licensee shall also pay the travel expense and per diem subsistence allowance provided for state employees in s. 112.061. The licensee shall not be required to pay a per diem fee and expenses of an examination which shall consume more than 30 worker-days in any one year unless such examination or investigation is due to fraudulent practices of the licensee, in which case such licensee shall be required to pay the entire cost regardless of time consumed.

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

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

HB 4703—A bill to be entitled An act relating to the workers' compensation joint underwriting plan; amending s. 627.311, F.S., relating to joint underwriters and joint reinsurers; revising the composition of the board of governors of the workers' compensation joint underwriting plan; prohibiting insurers from providing workers' compensation insurance to persons under certain circumstances; deleting an obsolete provision; providing an effective date.

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

HB 3665—A bill to be entitled An act relating to property insurance; amending s. 627.351, F.S.; prohibiting further geographical expansion of Florida Windstorm Underwriting Association eligibility; 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; creating s. 627.7019, F.S.; requiring certain notice on insurance applications and renewal premium notices; providing an effective date.

—was read the second time by title.

On motion by Rep. Safley, further consideration of **HB 3665** was temporarily postponed under Rule 147 and placed on Unfinished Business.

HB 4781 was taken up. On motion by Rep. Safley, the rules were suspended and CS for SB 1092 was substituted for HB 4781. Under Rule 99, the House bill was laid on the table and—

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 second time by title.

Representative(s) Safley offered the following:

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

Section 1. Paragraph (f) of subsection (1) and subsection (13) of section 440.15, Florida Statutes, are amended, and subsection (14) is added to said section, to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(1) PERMANENT TOTAL DISABILITY.—

(f)1. If permanent total disability results from injuries that occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under s. 440.20(12), the injured employee shall receive additional weekly compensation benefits equal to 5 percent of her or his weekly compensation rate, as established pursuant to the law in effect on the date of her or his injury, multiplied by the number of calendar years since the date of injury. The weekly compensation payable and the additional benefits payable under this paragraph, when combined, may not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2). Entitlement to these supplemental payments shall cease at age 62 if the employee is eligible for social security benefits under 42 U.S.C. s. ss. 402 or s. and 423, whether or not the employee has applied for such benefits. These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955, and before July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974.

2.a. The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by such rules.

b. The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier is not required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules or if any employee who is receiving permanent total disability benefits refuses to apply for or cooperate with the employer or carrier in applying for social security benefits.

3. When an injured employee receives a full or partial lump-sum advance of the employee's permanent total disability compensation benefits, the employee's benefits under this paragraph shall be computed on the employee's weekly compensation rate as reduced by the lump-sum advance.

(13) REPAYMENT.—

(a) If an employee has received a sum as an indemnity benefit under any classification or category of benefit under this chapter to which she or he is not entitled, the employee is liable to repay that sum to the employer or the carrier or to have that sum deducted from future benefits, regardless of the classification of benefits, payable to the employee under this chapter; however, a partial payment of the total repayment may not exceed 20 percent of the amount of the biweekly payment.

(b)1. *With respect to workers' compensation benefits payable before July 1, 1998, to the extent liability for repayment under this subsection is based on the combination of workers' compensation benefits and other benefits exceeding 100 percent of the employee's average weekly wage at the time of the injury, the employee is not required to repay the difference to the employer or carrier unless otherwise required by a contract that was in force at the time of the injury. However, an employer or carrier is not required to refund to the employee amounts actually recouped under this subsection prior to July 1, 1998.*

2. *As used in this paragraph, "other benefits" means social security benefits under 42 U.S.C. s. 402 or s. 423 and employer-funded benefits, including, but not limited to, nondisability retirement or nondisability pension benefits as described in subsection (14).*

3. *Nothing in this paragraph limits the applicability of subsection (10).*

(14) *COORDINATION OF BENEFITS.—Unless otherwise specifically provided by contract, workers' compensation benefits that are otherwise payable under this chapter must be reduced to the extent the combination of workers' compensation benefits and social security benefits under 42 U.S.C. s. 402 or s. 423, and employer-funded benefits other than nondisability retirement or nondisability pension benefits, provided to the employee and his or her dependents exceeds 100 percent of the employee's average weekly wage at the time of injury. A benefit shall be considered employer funded when the employer has contributed more than 50 percent of the cost of the benefit. "Workers' compensation benefits" excludes supplemental payments for permanent total disability pursuant to paragraph (1)(f).*

Section 2. Section 440.49, Florida Statutes, is amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(1) **LEGISLATIVE INTENT.**—Whereas it is often difficult for workers with disabilities to achieve employment or to become reemployed following an injury, and it is the desire of the Legislature to facilitate the return of these workers to the workplace, it is the purpose of this section to encourage the employment, reemployment, and accommodation of the physically disabled by reducing an employer's insurance premium for reemploying an injured worker, to decrease litigation between carriers on apportionment issues, and to protect employers from excess liability for compensation and medical expense when an injury to a physically disabled worker merges with, aggravates, or accelerates her or his preexisting permanent physical impairment to cause either a greater disability or permanent impairment, or an increase in expenditures for temporary compensation or medical benefits than would have resulted from the injury alone. The division *or the administrator* shall inform all employers of the existence and function of the fund and shall interpret eligibility requirements liberally. However, this subsection shall not be construed to create or provide any benefits for injured employees or their dependents not otherwise provided by this chapter. The entitlement of an injured employee or her or his dependents to compensation under this chapter shall be determined without regard to this subsection, the provisions of which shall be considered only in determining whether an employer or carrier who has paid compensation under this chapter is entitled to reimbursement from the Special Disability Trust Fund.

(2) **DEFINITIONS.**—As used in this section, the term:

(a) "Permanent physical impairment" means and is limited to the conditions listed in paragraph (6)(a).

(b) "Preferred worker" means a worker who, because of a permanent impairment resulting from a compensable injury or occupational disease, is unable to return to the worker's regular employment.

(c) "Merger" describes or means that:

1. If the permanent physical impairment had not existed, the subsequent accident or occupational disease would not have occurred;

2. The permanent disability or permanent impairment resulting from the subsequent accident or occupational disease is materially and substantially greater than that which would have resulted had the permanent physical impairment not existed, and the employer has been required to pay, and has paid, permanent total disability or permanent impairment benefits for that materially and substantially greater disability;

3. The preexisting permanent physical impairment is aggravated or accelerated as a result of the subsequent injury or occupational disease, or the preexisting impairment has contributed, medically and circumstantially, to the need for temporary compensation, medical, or attendant care and the employer has been required to pay, and has paid, temporary compensation, medical, or attendant care benefits for the aggravated preexisting permanent impairment; or

4. Death would not have been accelerated if the permanent physical impairment had not existed.

(d) "Excess permanent compensation" means that compensation for permanent impairment, or permanent total disability or death benefits, for which the employer or carrier is otherwise entitled to reimbursement from the Special Disability Trust Fund.

(e) "Administrator" means the entity selected by the commission to review, allow, deny, compromise, controvert, and litigate claims of the Special Disability Trust Fund.

(f) "Corporation" means the Special Disability Trust Fund Financing Corporation, as created under subsection (14).

(g) "Commission" means the Special Disability Trust Fund Privatization Commission, as created under subsection (13).

(3) DEDUCTIBLE.—Reimbursement may not be obtained for the first \$10,000 of benefits paid which otherwise qualify for reimbursement under this section. This deductible does not apply to claims by employers for reimbursement under subparagraph (b)3.

(4) PERMANENT IMPAIRMENT OR PERMANENT TOTAL DISABILITY, TEMPORARY BENEFITS, MEDICAL BENEFITS, OR ATTENDANT CARE AFTER OTHER PHYSICAL IMPAIRMENT.—

(a) Permanent impairment.—If an employee who has a preexisting permanent physical impairment incurs a subsequent permanent impairment from injury or occupational disease arising out of, and in the course of, her or his employment which merges with the preexisting permanent physical impairment to cause a permanent impairment, the employer shall, in the first instance, pay all benefits provided by this chapter; but, subject to the limitations specified in subsection (6), such employer shall be reimbursed from the Special Disability Trust Fund created by subsection (8) for 50 percent of all impairment benefits which the employer has been required to provide pursuant to s. 440.15(3)(a) as a result of the subsequent accident or occupational disease.

(b) Permanent total disability.—If an employee who has a preexisting permanent physical impairment incurs a subsequent permanent impairment from injury or occupational disease arising out of, and in the course of, her or his employment which merges with the preexisting permanent physical impairment to cause permanent total disability, the employer shall, in the first instance, pay all benefits provided by this chapter; but, subject to the limitations specified in subsection (6), such employer shall be reimbursed from the Special Disability Trust Fund created by subsection (8) for 50 percent of all compensation for permanent total disability.

(c) Temporary compensation and medical benefits; aggravation or acceleration of preexisting condition or circumstantial causation.—If an employee who has a preexisting permanent physical impairment experiences an aggravation or acceleration of the preexisting permanent physical impairment as a result of an injury or occupational disease arising out of and in the course of her or his employment, or suffers an injury as a result of a merger as defined in subparagraph (1)(b)2., the employer shall provide all benefits provided by this chapter, but, subject to the limitations specified in subsection (7), the employer shall be reimbursed by the Special Disability Trust Fund created by subsection (8) for 50 percent of its payments for temporary, medical, and attendant care benefits.

(5) WHEN DEATH RESULTS.—If death results from the subsequent permanent impairment contemplated in paragraph (c) within 1 year after the subsequent injury, or within 5 years after the subsequent injury when disability has been continuous since the subsequent injury, and it is determined that the death resulted from a merger, the employer shall, in the first instance, pay the funeral expenses and the death benefits prescribed by this chapter; but, subject to the limitations specified in subsection (6), she or he shall be reimbursed from the Special Disability Trust Fund created by subsection (8) for the last 50 percent of all compensation allowable and paid for such death and for 50 percent of the amount paid as funeral expenses.

(6) EMPLOYER KNOWLEDGE, EFFECT ON REIMBURSEMENT.—

(a) Reimbursement is not allowed under this section unless it is established that the employer knew of the preexisting permanent physical impairment prior to the occurrence of the subsequent injury or occupational disease, and that the permanent physical impairment is one of the following:

1. Epilepsy.
2. Diabetes.
3. Cardiac disease.

4. Amputation of foot, leg, arm, or hand.
5. Total loss of sight of one or both eyes or a partial loss of corrected vision of more than 75 percent bilaterally.
6. Residual disability from poliomyelitis.
7. Cerebral palsy.
8. Multiple sclerosis.
9. Parkinson's disease.
10. Meniscectomy.
11. Patellectomy.
12. Ruptured cruciate ligament.
13. Hemophilia.
14. Chronic osteomyelitis.
15. Surgical or spontaneous fusion of a major weight-bearing joint.
16. Hyperinsulinism.
17. Muscular dystrophy.
18. Thrombophlebitis.
19. Herniated intervertebral disk.
20. Surgical removal of an intervertebral disk or spinal fusion.

21. One or more back injuries or a disease process of the back resulting in disability over a total of 120 or more days, if substantiated by a doctor's opinion that there was a preexisting impairment to the claimant's back.

22. Total deafness.

23. Mental retardation, provided the employee's intelligence quotient is such that she or he falls within the lowest 2 percentile of the general population. However, it shall not be necessary for the employer to know the employee's actual intelligence quotient or actual relative ranking in relation to the intelligence quotient of the general population.

24. Any permanent physical condition which, prior to the industrial accident or occupational disease, constitutes a 20-percent impairment of a member or of the body as a whole.

25. Obesity, provided the employee is 30 percent or more over the average weight designated for her or his height and age in the Table of Average Weight of Americans by Height and Age prepared by the Society of Actuaries using data from the 1979 Build and Blood Pressure Study.

26. Any permanent physical impairment as defined in s. 440.15(3) which is a result of a prior industrial accident with the same employer or the employer's parent company, subsidiary, sister company, or affiliate located within the geographical boundaries of this state.

(b) The Special Disability Trust Fund is not liable for any costs, interest, penalties, or attorneys' fees.

(c) An employer's or carrier's right to apportionment or deduction pursuant to ss. 440.02(1), 440.15(5)(b), and 440.151(1)(c) does not preclude reimbursement from such fund, except when the merger comes within the definition of subparagraph (2)(b)2. and such apportionment or deduction relieves the employer or carrier from providing the materially and substantially greater permanent disability benefits otherwise contemplated in those paragraphs.

(7) REIMBURSEMENT OF EMPLOYER.—

(a) The right to reimbursement as provided in this section is barred unless written notice of claim of the right to such reimbursement is filed

by the employer or carrier entitled to such reimbursement with the division *or administrator* at Tallahassee within 2 years after the date the employee last reached maximum medical improvement, or within 2 years after the date of the first payment of compensation for permanent total disability, wage loss, or death, whichever is later. The notice of claim must contain such information as the division by rule requires *or as established by the administrator*; and the employer or carrier claiming reimbursement shall furnish such evidence in support of the claim as the division *or administrator* reasonably may require.

(b) For notice of claims on the Special Disability Trust Fund filed on or after July 1, 1978, the Special Disability Trust Fund shall, within 120 days after receipt of notice that a carrier has paid, been required to pay, or accepted liability for excess compensation, serve notice of the acceptance of the claim for reimbursement.

(c) A proof of claim must be filed on each notice of claim on file as of June 30, 1997, within 1 year after July 1, 1997, or the right to reimbursement of the claim shall be barred. A notice of claim on file on or before June 30, 1997, may be withdrawn and refiled if, at the time refiled, the notice of claim remains within the limitation period specified in paragraph (a). Such refiled shall not toll, extend, or otherwise alter in any way the limitation period applicable to the withdrawn and subsequently refiled notice of claim. Each proof of claim filed shall be accompanied by a proof-of-claim fee as provided in paragraph (9)(d). The Special Disability Trust Fund shall, within 120 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(d) Each notice of claim filed or refiled on or after July 1, 1997, must be accompanied by a notification fee as provided in paragraph (9)(d). A proof of claim must be filed within 1 year after the date the notice of claim is filed or refiled, accompanied by a proof-of-claim fee as provided in paragraph (9)(d), or the claim shall be barred. The notification fee shall be waived if both the notice of claim and proof of claim are submitted together as a single filing. The Special Disability Trust Fund shall, within 180 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(e) For dates of accident on or after January 1, 1994, the Special Disability Trust Fund shall, within 120 days of receipt of notice that a carrier has been required to pay, and has paid over \$10,000 in benefits, serve notice of the acceptance of the claim for reimbursement. Failure of the Special Disability Trust Fund to serve notice of acceptance shall give rise to the right to request a hearing on the claim for reimbursement. If the Special Disability Trust Fund through its representative denies or controverts the claim, the right to such reimbursement shall be barred unless an application for a hearing thereon is filed with the division *or administrator* at Tallahassee within 60 days after notice to the employer or carrier of such denial or controversion. When such application for a hearing is timely filed, the claim shall be heard and determined in accordance with the procedure prescribed in s. 440.25, to the extent that such procedure is applicable, and in accordance with the workers' compensation rules of procedure. In such proceeding on a claim for reimbursement, the Special Disability Trust Fund shall be made the party respondent, and no findings of fact made with respect to the claim of the injured employee or the dependents for compensation, including any finding made or order entered pursuant to s. 440.20(12), shall be *res judicata*. The Special Disability Trust Fund may not be joined or made a party to any controversy or dispute between an employee and the dependents and the employer or between two or more employers or carriers without the written consent of the fund.

(f) When it has been determined that an employer or carrier is entitled to reimbursement in any amount, the employer or carrier shall be reimbursed annually from the Special Disability Trust Fund for the compensation and medical benefits paid by the employer or carrier for

which the employer or carrier is entitled to reimbursement, upon filing request therefor and submitting evidence of such payment in accordance with rules prescribed by the division, which rules may include parameters for annual audits. The Special Disability Trust Fund shall pay the approved reimbursement requests on a first-in, first-out basis reflecting the order in which the reimbursement requests were received.

(8) PREFERRED WORKER PROGRAM.—The division *or administrator* shall issue identity cards to preferred workers upon request by qualified employees and shall reimburse an employer, from the Special Disability Trust Fund, for the cost of workers' compensation premium related to the preferred workers payroll for up to 3 years of continuous employment upon satisfactory evidence of placement and issuance of payroll and classification records and upon the employee's certification of employment.

(9) SPECIAL DISABILITY TRUST FUND.—

(a) There is established in the State Treasury a special fund to be known as the "Special Disability Trust Fund," which shall be available only for the purposes stated in this section; and the assets thereof may not at any time be appropriated or diverted to any other use or purpose. The Treasurer shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the state. The Treasurer is authorized to disburse moneys from such fund only when approved by the division *or corporation* and upon the order of the Comptroller. The Treasurer shall deposit any moneys paid into such fund into such depository banks as the division *or corporation* may designate and is authorized to invest any portion of the fund which, in the opinion of the division, is not needed for current requirements, in the same manner and subject to all the provisions of the law with respect to the deposits of state funds by such Treasurer. All interest earned by such portion of the fund as may be invested by the Treasurer shall be collected by her or him and placed to the credit of such fund.

(b)1. The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals under s. 628.601, and the self-insurers under this chapter, which assessments shall become due and be paid quarterly at the same time and in addition to the assessments provided in s. 440.51. The division shall estimate annually in advance the amount necessary for the administration of this subsection and the maintenance of this fund and shall make such assessment in the manner hereinafter provided.

2. The annual assessment shall be calculated to produce during the ensuing fiscal year an amount which, when combined with that part of the balance in the fund on June 30 of the current fiscal year which is in excess of \$100,000, is equal to the average of:

a. The sum of disbursements from the fund during the immediate past 3 calendar years, and

b. Two times the disbursements of the most recent calendar year.

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers.

3. The net premiums written by the companies for workers' compensation in this state and the net premium written applicable to the self-insurers in this state are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each insurance company and self-insurer to the division for the Special Disability Trust Fund in accordance with such regulations as the division prescribes.

4. The Treasurer is authorized to receive and credit to such Special Disability Trust Fund any sum or sums that may at any time be contributed to the state by the United States under any Act of Congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

(c) Notwithstanding the Special Disability Trust Fund assessment rate calculated pursuant to this section, the rate assessed shall not exceed 4.52 percent.

(d) The Special Disability Trust Fund shall be supplemented by a \$250 notification fee on each notice of claim filed or refiled after July 1, 1997, and a \$500 fee on each proof of claim filed in accordance with subsection (7). Revenues from the fee shall be deposited into the Special Disability Trust Fund and are exempt from the deduction required by s. 215.20. The fees provided in this paragraph shall not be imposed upon any insurer which is in receivership with the Department of Insurance.

(e) The Department of Labor and Employment Security or administrator shall report annually on the status of the Special Disability Trust Fund. The report shall update *the estimated undiscounted and discounted fund liability, as determined by an independent actuary* ~~the projected change in fund liability,~~ change in the total number of notices of claim on file with the fund in addition to the number of newly filed notices of claim, change in the number of proofs of claim processed by the fund, ~~and~~ the fee revenues refunded and revenues applied to pay down the liability of the fund, *the average time required to reimburse accepted claims, and the average administrative costs per claim.* The department or administrator shall submit its ~~initial~~ report to the Governor, the President of the Senate, and the Speaker of the House of Representatives ~~by March 1, 1998, for the period ending February 1, 1998, with additional reports submitted by December 1 of each year, 1998, and December 1, 1999.~~

(10) DIVISION ADMINISTRATION OF FUND; CLAIMS; ADVISORY COMMITTEE; EXPENSES.—The division or administrator shall administer the Special Disability Trust Fund with authority to allow, deny, compromise, controvert, and litigate claims made against it and to designate an attorney to represent it in proceedings involving claims against the fund, including negotiation and consummation of settlements, hearings before judges of compensation claims, and judicial review. The division or administrator or the attorney designated by it shall be given notice of all hearings and proceedings involving the rights or obligations of such fund and shall have authority to make expenditures for such medical examinations, expert witness fees, depositions, transcripts of testimony, and the like as may be necessary to the proper defense of any claim. The division shall appoint an advisory committee composed of representatives of management, compensation insurance carriers, and self-insurers to aid it in formulating policies with respect to conservation of the fund, who shall serve without compensation for such terms as specified by it, but be reimbursed for travel expenses as provided in s. 112.061. All expenditures made in connection with conservation of the fund, including the salary of the attorney designated to represent it and necessary travel expenses, shall be allowed and paid from the Special Disability Trust Fund as provided in this section upon the presentation of itemized vouchers therefor approved by the division.

(11) EFFECTIVE DATES.—This section does not apply to any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred prior to July 1, 1955, or on or after January 1, 1998. In no event shall the Special Disability Trust Fund be liable for, or reimburse employers or carriers for, any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred on or after January 1, 1998. The Special Disability Trust Fund shall continue to reimburse employers or carriers for subsequent injuries occurring prior to January 1, 1998, and the division shall continue to assess for and *the division or administrator shall* fund reimbursements as provided in subsection (9) for this purpose.

(12) REIMBURSEMENT FROM THE SPECIAL DISABILITY TRUST FUND.—The applicable law for the purposes of determining entitlement to reimbursement from the Special Disability Trust Fund is the law in effect on the date the accident occurred.

(13)(a) *The Special Disability Trust Fund Privatization Commission is created to evaluate and determine the feasibility of privatizing the Special Disability Trust Fund. The commission shall determine the liabilities of the fund and the costs to presently administer the Special Disability Trust Fund. The commission shall develop and issue a request for proposal to transfer the liabilities of the Special Disability Trust Fund to an admitted insurer. The commission is authorized to select and contract with an admitted insurer, only if the commission determines that such an arrangement would substantially reduce the costs and be more effective than the current administration of the Special Disability Trust Fund.*

(b) *Consistent with the closing of the fund provided in subsection (11), the Special Disability Trust Fund Privatization Commission is authorized to contract with an administrator to review, allow, deny, compromise, controvert, and litigate claims of the Special Disability Trust Fund under this section. The Commission, in consultation with the division, is authorized to contract with an admitted insurer to assume the reimbursement obligations of the Special Disability Trust Fund for claims which have previously have accepted for reimbursement by the Special Disability Trust Fund and claims which are determined to be reimbursable by the Special Disability Trust Fund. The admitted insurer and the administrator shall not be affiliates of the other, and shall not establish or maintain a financial or contractual agreement with each other for purposes of this section. On or before July 1, 1999, the commission, in consultation with the division, may develop and issue a request for proposal for the transfer and assumption of liabilities, and administration of certain functions related to claims of the Special Disability Trust Fund. The administrator shall have experience in workers' compensation claims management of sufficient scope and size to undertake the duties and responsibilities of this section and shall demonstrate the ability to meet the criteria established by the commission, which shall include the ability to substantially reduce the overall costs of reviewing and reimbursing claims, and to settle and extinguish the liabilities of the Special Disability Trust Fund in a more cost efficient and more timely manner than presently provided by the division. In the event liabilities on the Special Disabilities Trust Fund are transferred to and assumed by an admitted insurer, such insurer shall provide the state with financial assurance as to the satisfaction of any such liabilities or claims and the state and the Special Disability Trust Fund shall have no further liability with respect to those liabilities and claims. The financial assurances may include, but are not limited to, cash reserves, reinsurance, guarantees, or letters of credit.*

(c) *The commission shall be composed of three members, one member selected by the Governor; one selected by the Insurance Commissioner; and one selected by the Comptroller.*

(d) *The commission is authorized to appoint and employ such officers, agents, and employees as the commission deems advisable to operate and manage the affairs of the commission, which officers, agents, and employees may be employees of the division or the State Board of Administration. The commission shall contract with consultants deemed necessary to determine the liabilities of the Special Disability Trust Fund, as of December 31, 1998, and the feasibility of privatizing the Special Disability Trust Fund.*

(14) *Florida Special Disability Trust Fund Financing Corporation.—*

(a) *The Legislature finds that:*

1. *The liabilities of the Special Disability Trust Fund are substantial and that the extinguishment of these liabilities in a cost effective and timely manner are of paramount importance to the state. In connection therewith, in the event that the commission determines that it is more cost effective and in the best interest of the Special Disabilities Trust Fund and the state to finance the liabilities of the Special Disabilities Trust Fund through the issuance of bonds, notes or other evidence of indebtedness, it shall request the assistance of the corporation to issue such bonds, notes or other evidences of indebtedness.*

2. The Legislature finds that the creation of a public benefits corporation and the issuance of bonds or other forms of indebtedness under this section is consistent with the underlying public purpose of reducing and ultimately eliminating the liabilities of the Special Disability Trust Fund. The purpose of the corporation and the subsequent bond issuance is to fund and pay the liabilities of the Special Disability Trust Fund, ensure the existence of a sufficient funding source for reimbursements to employers and carriers, and reduce the overall costs of the program provided by the state by employers and carriers.

(b) In the event the commission determines that it is more cost effective and in the best interest of the Special Disability Trust Fund, the state, insurers, and employers to finance the liabilities of the Special Disability Trust Fund through the issuance of bonds, notes, or other evidences of indebtedness, there is created a public benefits corporation to be known as the Special Disability Trust Fund Financing Corporation.

1. The corporation shall operate under a three-member board of directors consisting of the Governor or a designee, the Treasurer or a designee, and the Comptroller or a designee.

2. The corporation has all of the powers of corporations under chapter 607 and under chapter 617.

3. The corporation may issue bonds, notes, or other evidences of indebtedness and engage in such other financial transactions as are necessary to provide sufficient funds to achieve the purposes of this section.

4. The corporation may invest in any of the investments authorized under s. 215.47.

5. There shall be no liability on the part of, and no cause of action shall arise against, any board members or employees of the corporation or the state for any actions taken by them in the performance of their duties under this paragraph.

6. The corporation may appoint and employ such officers, agents, and employees as the corporation deems advisable to operate and manage the affairs of the corporation, which officers, agents, and employees may be employees of the division or the State Board of Administration. The administrative costs and fees incurred by the corporation, and employee salaries, shall be paid from bond revenues. The corporation and the division shall have the power to contract with each other for expenses incurred in connection with the transfer, assumption, and settlement of liabilities of the Special Disability Trust Fund.

7. In addition to bonding, the corporation may also borrow from, or enter into other financing arrangements with, any market sources at interest rates not exceeding prevailing interest rates.

(c)1. The proceeds of revenue bonds issued by this corporation may be used to pay obligations of the Special Disability Trust Fund made pursuant to this section; to finance or replace previously existing borrowings or financial arrangements; to pay interest on bonds; to fund reserves for the bonds; to pay expenses incident to the issuance or sale of any bonds issued under this subsection, or for such other purposes related to the financial obligations of the Special Disability Trust Fund as the corporation may determine. The corporation may pledge all or a portion of the revenues collected under subsection (9) to secure such revenue bonds, and may execute such agreements between the corporation and the division, necessary or desirable in connection with the issuance of any revenue bonds.

2. The corporation may contract with the State Board of Administration to serve as trustee with respect to debt obligations issued by the corporation as provided by this section and to hold, administer, and invest proceeds of such debt obligations and other funds of the corporation. The State Board of Administration may perform such services and may contract with others to provide all or a part of such services and to recover the costs and expenses of providing such services.

(d)1. Revenue bonds may not be issued under this subsection until validated under chapter 75. In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this subsection, or the security therefor, any such bond reciting in substance that it has been issued by the corporation in connection with any purpose of this section shall be conclusively deemed to have been carried out in accordance with the mandates herein. In actions under chapter 75 to validate any bonds issued by the corporation, the notice required by s. 75.06 shall be published only in Leon County and in two newspapers of general circulation in the state, and the complaint and order of the court shall be served only on the State Attorney of the Second Judicial Circuit. The validation of at least the first obligations incurred pursuant to this subsection shall be appealed to the Supreme Court, to be handled on an expedited basis.

2. The state hereby covenants with holders of bonds of the corporation that the state will not repeal or abrogate the power of the division to levy the assessments and to collect the proceeds of the revenues pledged to the payment of such bonds as long as any such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds.

3. The corporation and its corporate existence shall continue until terminated by law; however, no such law shall take effect as long as the corporation has bonds outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds. Upon termination of the existence of the corporation, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

(e)1. The funds, credit, property, or taxing power of the state or political subdivisions of the state shall not be pledged for the payment of such bonds. The bonds of the corporation are not a debt of the state or of any political subdivision, and neither the state nor any political subdivision is liable on such bonds. The corporation does not have the power to pledge the credit, the revenues, or the taxing power of the state or of any political subdivision. The credit, revenues, or taxing power of the state or of any political subdivision shall not be deemed to be pledged to the payment of any bonds of the corporation. However, bonds issued under this subsection are declared to be for an essential public and governmental purpose.

2. The property, revenues, and other assets of the corporation; the transactions and operations of the corporation and the income from such transactions and operations; and all bonds issued under this paragraph and the interest on such bonds, which is exempt from income taxes of the United States, are exempt from taxation by the state and any political subdivision, including, but not limited to, the intangibles tax under chapter 199, the income tax under chapter 220, and the premium tax under the Florida Insurance Code. This exemption does not apply to any tax imposed by chapter 220 on interest income or profits on debt obligations owned by corporations other than the Special Disability Trust Fund Financing Corporation. The corporation is not subject to the reporting requirements mandated by the Florida Insurance Code.

(f) All bonds of the corporation shall be and constitute legal investments without limitation for all public bodies of this state; for all banks, trust companies, savings banks, savings associations, savings and loan associations, and investment companies; for all administrators, executors, trustees, and other fiduciaries; for all insurance companies and associations and other persons carrying on an insurance business; and for all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of the state and shall be and constitute eligible securities to be deposited as collateral for the security of any state, county, municipal, or other public funds. This paragraph shall be considered as additional and supplemental authority and shall not be limited without specific reference to this paragraph.

(g) In the event the commission selects an admitted insurer to assume all or some of the liabilities of the Special Disability Trust Fund, all or any portion of the monetary assets and claims liabilities held in and

accruing to the Special Disability Trust Fund may, with the agreement of the corporation or the administrator, be transferred to and fully assumed by the corporation or the admitted insurer. As provided in an agreement with the corporation or the admitted insurer, subsequent assessments under subsection (9) shall be collected by the division, deposited into the Special Disability Trust Fund, and used exclusively for the debt service of the bonds issued by the corporation, the payment of outstanding liabilities of the Special Disability Trust Fund not assumed by the corporation or the admitted insurer, and expenses of the corporation.

(h) The administrator is prohibited from reviewing, auditing, litigating, reimbursing, or settling any pending or future claim or liability of its affiliates or subsidiaries. The administrator is required to subcontract the responsibility of reviewing, auditing, litigating, reimbursing, or settling such a claim or liability.

(i) The Auditor General is authorized to examine and audit the records and accounts of the corporation.

Section 3. There is hereby appropriated \$200,000 from the Special Disability Trust Fund to the Special Disability Trust Fund Privatization Commission to implement this act.

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

And the title is amended as follows:

On page 1, lines 3-11
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 440.15, F.S.; providing an exception to certain benefit repayment requirements for employees; providing a definition; providing application; providing a method for determining workers' compensation benefits when in combination with certain other benefits; providing for the exclusion of certain supplemental payments; amending s. 440.49, F.S., creating the Special Disability Trust Fund Privatization Commission; providing purpose; providing for members; providing duties; creating the Special Disability Trust Fund Financing Corporation; providing purposes; providing for a board of directors; providing powers and duties of the corporation; authorizing the Division of Workers' Compensation to enter into service contracts for certain purposes; authorizing the corporation to issue evidences of indebtedness; authorizing the corporation to validate bond obligations; exempting the corporation from certain taxes and assessments; providing application; providing for reversion of the assets to the State upon dissolution of the corporation; providing for the State Board of Administration to be a trustee of the corporation's securities; authorizing the commission to issue a request for proposal for administration of the claims of the fund; authorizing the transfer and assumption of the liabilities of the Special Disability Trust Fund to an admitted insurer if it is determined by the commission that such an arrangement would be more cost effective than the current administration by the division; authorizing the Auditor General to examine and audit the records of the corporation; providing an appropriation; providing an effective date.

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

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

Bills and Joint Resolutions on Third Reading

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 third time by title.

Representative(s) Cosgrove offered the following:

Amendment 1 (with title amendment)—On page 2, between lines 27 and 28,

insert:

Section 2. Subsection (2) of section 440.101, Florida Statutes, is amended and subsections (3) and (4) are added to said section to read:

440.101 Legislative intent; drug-free workplaces.—

(2) If an employer implements a drug-free workplace program in accordance with s. 440.102 which includes notice, education, and procedural requirements for testing for drugs and alcohol pursuant to law or to rules developed by the Agency for Health Care Administration, the employer may require the employee to submit to a test for the presence of drugs or alcohol and, if a drug or alcohol is found to be present in the employee's system at a level prescribed by rule adopted pursuant to this act, the employee may be terminated and forfeits his or her eligibility for medical and indemnity benefits. ~~However, a drug-free workplace program must require the employer to notify all employees that it is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and, if an injured employee refuses to submit to a test for drugs or alcohol, the employee forfeits eligibility for medical and indemnity benefits.~~

(3) Employers in the construction industry, as defined and regulated in in parts I and II of chapter 489, shall be required to implement a drug-free workplace program in accordance with s. 440.102, on state funded construction contracts by employers of more than 5 employees.

(4) A drug-free workplace program must require the employer to notify all employees that it is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and, if an injured employee refuses to submit to a test for drugs or alcohol, the employee forfeits eligibility for medical and indemnity benefits.

And the title is amended as follows:

On page 1, line 6,

after the semicolon insert: amending s. 440.101, F.S.; revising provisions relating to legislative intent with respect to drug-free workplaces;

Rep. Cosgrove moved the adoption of the amendment, which failed to receive the necessary two-thirds vote for adoption.

The question recurred on the passage of SB 1972. The vote was:

Yeas—111

The Chair	Carlton	Greene	Miller
Albright	Casey	Hafner	Minton
Alexander	Chestnut	Harrington	Morrone
Andrews	Constantine	Healey	Morse
Argenziano	Cosgrove	Heyman	Murman
Arnall	Crady	Hill	Ogles
Arnold	Crist	Horan	Peaden
Bainter	Crow	Jones	Posey
Ball	Dawson-White	Kelly	Prewitt, D.
Barreiro	Dennis	King	Putnam
Betancourt	Diaz de la Portilla	Kosmas	Rayson
Bitner	Dockery	Lacasa	Reddick
Bloom	Edwards	Lawson	Ritchie
Boyd	Effman	Lippman	Ritter
Bradley	Eggelletion	Littlefield	Roberts-Burke
Brennan	Fasano	Logan	Rodriguez-Chomat
Bronson	Fischer	Lynn	Rojas
Brooks	Flanagan	Mackenzie	Safley
Brown	Fuller	Mackey	Sanderson
Bullard	Futch	Maygarden	Saunders
Burroughs	Gay	Meek	Sembler
Bush	Goode	Melvin	Silver
Byrd	Gottlieb	Merchant	Sindler

Smith	Sublette	Turnbull	Westbrook
Spratt	Tamargo	Valdes	Wiles
Stabins	Thrasher	Villalobos	Wise
Stafford	Tobin	Wallace	Ziebarth
Starks	Trovillion	Wasserman Schultz	

Nays—None

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

Votes after roll call:

Yeas—Clemons, Frankel, Jacobs

So the bill passed and was immediately certified to the Senate.

Bills and Joint Resolutions on Second Reading

CS/HB 3927—A bill to be entitled An act relating to telephonic solicitations; amending s. 501.059, F.S.; providing legislative intent; revising provisions relating to telephonic solicitations; revising definitions; revising procedures for limiting or prohibiting telephonic solicitations; revising certain fees; providing for an affirmative defense; providing for notification of candidates for public office; revising requirements regulating telephonic solicitations; requiring the Department of Agriculture and Consumer Services to provide certain notice of violations; providing for legislative review of certain fees; amending s. 98.097, F.S.; providing that the central voter file shall indicate voters on “no telephonic solicitation” list; providing an effective date.

—was read the second time by title.

Representative(s) Ogles offered the following:

Amendment 1—On page 2, line 1 through page 5 line 2 remove from the bill: all of said lines

and insert in lieu thereof:

individuals in this state who do not want to receive uninvited telephonic solicitations to make it known to the public by placing their telephone numbers on the “no telephonic solicitations” list provided in this section. Further, it is the intent of the Legislature to prohibit uninvited telephonic solicitations to such telephone numbers on the “no telephonic solicitations” list. The Legislature finds that the method provided in this section for regulating uninvited telephonic solicitations is drawn in such a manner so as to minimize the burden on solicitation activities.

(2)(1) As used in this section:

(a) “Telephonic solicitation sales call” means a call made by a telephone solicitor to a residential, mobile, or telephonic paging device telephone number in this state consumer, for the purpose of soliciting a sale of any consumer goods or services, including calls made for the purpose of obtaining information that will or may later be used for the solicitation of a sale of consumer goods or services, or a call made for the purpose of soliciting a contribution of money, property, or financial assistance, or any other thing of value, including requests on behalf of political parties, candidates, or ballot proposals. “Telephonic solicitation” does not mean a call made to a subscriber for the sole purpose of soliciting attendance at a religious service or event, or soliciting a commitment to volunteer time or service, provided that such telephonic solicitation does not result in a later request for a monetary donation or payment. ~~or for the purpose of soliciting an extension of credit for consumer goods or services, or for the purpose of obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.~~

(b) “Consumer goods or services” means any real property or any tangible or intangible personal property which is normally used for personal, family, or household purposes, including, without limitation, cemetery lots, timeshare estates, financial services, insurance,

telecommunications services, and any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed, as well as cemetery lots and timeshare estates, and any services related to real such property or any tangible or intangible personal property.

(c) “Uninvited Unsolicited telephonic solicitation sales call” means a telephonic solicitation to any residential, mobile, or telephonic paging device telephone number unless the telephonic solicitation is sales call other than a call made:

1. in response to an express request of the person called, or in response to a sign or other form of advertisement placed by the person called, or is directed to a person with whom the telephone solicitor has a prior or an existing relationship. A telephonic solicitation made in connection with an existing relationship includes, but is not limited to, an inquiry regarding an existing debt, contract, or warranty, payment or performance of which has not been completed at the time of such call;

2. ~~Primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such call;~~

3. ~~To any person with whom the telephone solicitor has a prior or existing business relationship; or~~

4. ~~By a newspaper publisher or his or her agent or employee in connection with his or her business.~~

(d) “Commission” means the Florida Public Service Commission.

(e) “Telephone solicitor” means any natural person, firm, organization, partnership, association, or corporation, or a subsidiary or affiliate thereof, ~~doing business in this state~~, who makes or causes to be made a telephonic solicitation sales call, including, but not limited to, calls made by use of automated dialing or recorded message devices from a location in this state, or from other states or nations, to residences, mobile telephones, or telephonic paging devices in this state.

(f) “Subscriber” means any individual who requests that the department place the individual’s in-state residential, mobile, or telephonic paging device telephone number on the department’s no telephonic solicitation list and who pays the applicable fee to the department. “Consumer” means an actual or prospective purchaser, lessee, or recipient of consumer goods or services.

(g) ~~“Merchant” means a person who, directly or indirectly, offers or makes available to consumers any consumer goods or services.~~

(h) ~~“Doing business in this state” refers to businesses who conduct telephonic sales calls from a location in Florida or from other states or nations to consumers located in Florida.~~

(g)(1) “Department” means the Department of Agriculture and Consumer Services.

(3)(2) Any telephone solicitor who calls ~~makes an unsolicited telephonic sales call to a subscriber~~ residential, mobile, or telephonic paging device telephone number in this state shall identify himself or herself by his or her true first and last names and the business or organization on whose behalf he or she is soliciting immediately upon making contact by telephone with the person who is the object of the telephonic telephone solicitation.

(4)(3)(a) Any residential, mobile, or telephonic paging device telephone subscriber desiring to be placed on a

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

Representative(s) Ogles offered the following:

Amendment 2—On page 5, lines 19-21 remove from the bill: all of said lines

and insert in lieu thereof:

compile such listings three times each year and shall provide this listing at least 30 days prior to the first day of April, August, and December, when the listings shall be considered current, ~~for a fee~~ to telephone

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

Representative(s) Ogles offered the following:

Amendment 3—On page 7, line 26
remove from the bill: “section”

and insert in lieu thereof:

subsection

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

Representative(s) Ogles offered the following:

Amendment 4—On page 10, lines 12 through 16
remove from the bill: all of said lines

and insert in lieu thereof:

violation. Upon a fourth violation within a twelve month period, the department or the Department of Legal Affairs may bring an action to impose a civil penalty and to seek other relief, including injunctive relief, as the court deems appropriate against the telephone solicitor. The civil penalty shall not exceed \$5,000 \$10,000 per

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

Representative(s) Ogles offered the following:

Amendment 5 (with title amendment)—On page 12, lines 13-14
remove from the bill: all of said lines

and insert in lieu thereof:

Section 4. Effective July 1, 1998, there are hereby appropriated for FY 1998-99 from the General Inspection Trust Fund to the Department of Agriculture and Consumer Services \$675,365 in operating capital outlay, and 5 FTE and \$417,610 for the purpose of carrying out the provisions of this act. These appropriations shall depend upon sufficient funds being available in the General Inspection Trust Fund solely from the fees collected under s. 501.059, F.S. It is the intent of the Legislature that if receipts are insufficient to fully fund these appropriations, the first priority of the Department of Agriculture and Consumer Services shall be the purchase of necessary equipment and technology for the efficient and effective implementation of this act.

Section 5. Effective January 1, 1999, there is hereby appropriated for FY 1998-99 from the General Inspection Trust Fund to the Department of Agriculture and Consumer Services 6 FTE and \$334,770 for the purpose of carrying out the provisions of this act. This appropriation shall depend upon sufficient funds being available in the General Inspection Trust Fund solely from the fees collected under s. 501.059, F.S.

Section 6. Except as otherwise provided herein, this act shall take effect January 1 of the year after which enacted.

And the title is amended as follows:

On page 1, lines 18-19
remove from the title of the bill: all of said lines

insert: after “;”

solicitation” list; providing appropriations; providing effective dates.

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

Representative(s) Byrd offered the following:

Amendment 6—On page 12, line 3,

insert after the period: *The Legislature shall also review the feasibility of eliminating all fees paid by subscribers under such program and*

having the entire program funded from fees paid by solicitors or from other revenue sources.

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

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

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 3283 to the agenda for its meeting Thursday, April 23, at 8:00 a.m., in Reed Hall.

Continuation of Daily Folder

Continuation of Economic Impact Council Calendar

Bills and Joint Resolutions on Second Reading

HB 4427 was taken up. On motion by Rep. Ogles, the rules were suspended and CS for SB 776 was substituted for HB 4427. Under Rule 99, the House bill was laid on the table and—

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

CS/HB 4267—A bill to be entitled An act relating to employee leasing; creating s. 627.192, F.S.; providing purposes; providing definitions; authorizing certain lessors to secure workers' compensation insurance coverage on leased employees under certain circumstances; providing procedures; requiring such lessors to provide certain information to insurers for certain purposes; providing for cancellation or nonrenewal of such insurance under certain circumstances; providing for notice; providing an exception; providing for assigning an experience modification factor to lessees under a terminated employee leasing arrangement; requiring notice; providing application; prohibiting lessees from entering into employee leasing relationships or from being eligible for certain workers' compensation coverage under certain circumstances; requiring insurers to conduct audits of employee leasing companies for certain purposes; specifying procedures; requiring employers which fail to provide certain audit access to pay additional premiums; providing an exception; providing application; providing an effective date.

—was read the second time by title.

Representative(s) Wiles offered the following:

Amendment 1 (with title amendment)—On page 1, line 29,
remove from the bill: everything after the enacting clause,

and insert in lieu thereof:

Section 1. Section 627.192, Florida Statutes, is created to read:

627.192 Workers' compensation insurance; employee leasing arrangements.—

(1) The purpose of this section is to ensure that an employer who leases some or all of its workers properly obtains workers' compensation insurance coverage for all of its employees, including those leased from or coemployed with another entity, and that premium paid by an employee leasing company is commensurate with exposure and anticipated claim experience for all employees.

(2) For purposes of the Florida Insurance Code:

(a) "Employee leasing" shall have the same meaning as set forth in s. 468.520(4).

(b) "Experience rating modification" means a factor applied to a premium to reflect a risk's variation from the average risk. The experience modification is determined by comparing actual losses to expected losses, using the risk's own past experience.

(c) "Leased employee" means a person performing services for a lessee under an employee leasing arrangement.

(d) "Lessee" means an entity which obtains all or part of its workforce from another entity through an employee leasing arrangement or which employs the services of an entity through an employee leasing arrangement.

(e) "Lessor" means an employee leasing company, as set forth in part XI of chapter 468, engaged in the business of or holding itself out as being in the business of employee leasing. A lessor may also be referred to as an employee leasing company.

(f) "Premium subject to dispute" means that the insured has provided a written notice of dispute to the insurer or service carrier, has initiated any applicable proceeding for resolving such disputes as prescribed by law or rating organization procedures approved by the department, or has initiated litigation regarding the premium dispute. The insured must have detailed the specific areas of dispute and provided an estimate of the premium the insured believes to be correct. The insured must have paid any undisputed portion of the bill.

(3) A lessor that obtains coverage in the voluntary workers' compensation market may elect, with the voluntary market insurer's knowledge and consent, to secure the coverage on leased employees through a workers' compensation policy issued to the lessor. The insurer of the lessor may, in its discretion, take all reasonable steps to ascertain exposure under the policy and collect the appropriate premium by:

(a) Requiring the lessor to provide a complete description of lessor's operations.

(b) Requiring periodic reporting by the lessor of covered lessees' payroll, classifications, claims information, loss data, and jurisdictions with exposure. This reporting may be supplemented by a requirement for lessees to submit to the carrier Internal Revenue Service Form 941 or its equivalent on a quarterly basis.

(c) Auditing the lessor's operations.

(d) Using other reasonable measures to determine the appropriate premium.

(4) A lessor that applies for coverage or is covered through the voluntary market shall also maintain and furnish to the insurer on an annual basis, and as the insurer may otherwise reasonably require, sufficient information to permit the calculation of an experience modification factor for each lessee upon termination of the employee leasing relationship. Information accruing during the term of the leasing arrangement which is used to calculate an experience modification factor for a lessee upon termination of the leasing relationship shall continue to be used in the future experience ratings of the lessor. Such information shall include:

(a) The lessee's corporate name.

(b) The lessee's taxpayer or employer identification number.

(c) Payroll summaries and class codes applicable to each lessee, and, if requested by the insurer, a listing of all leased employees associated with a given lessee.

(d) Claims information grouped by lessee, and any other information maintained by or readily available to the lessor that is necessary for the calculation of an experience modification factor for each lessee.

(5) In addition to any other provision of law, any material violation of this section by an employee leasing company is grounds for cancellation or nonrenewal of the lessor's insurance policy provided that the employee leasing company has been provided a reasonable opportunity to cure the violation. If an employee leasing company has received notice that its workers' compensation insurance policy will be canceled or nonrenewed, the leasing company shall notify by certified mail, within 15 days after receipt of the notice, all of the lessees for which there is an employee leasing arrangement covered under the policy to be canceled, except notice is not required if the employee leasing company has obtained another insurance policy with an effective date that is the same as the date of cancellation or nonrenewal.

(6) If the employee leasing arrangement with a lessee is terminated, the lessee shall be assigned an experience modification factor which reflects its experience during the experience period specified by the approved experience rating plan, including, if applicable, experience incurred for leased employees under the employee leasing arrangements. The employee leasing company shall notify the insurer of its intent to terminate any lessee relationship prior to termination when feasible. When prior notice is not feasible, the employee leasing company shall notify its insurer within 5 working days following actual termination.

(7) This section shall not have any effect on the statutory obligation, if any, of a lessee to secure workers' compensation coverage for employees that the lessee does not coemploy or lease pursuant to an employee leasing arrangement.

(8) A lessee shall not enter into an employee leasing relationship or be eligible for workers' compensation coverage in the voluntary market if the lessee owes its current or a prior insurer any premium for workers' compensation insurance, or if the lessee owes its current or prior employee leasing company amounts due under the service agreement, except for premium or amounts due that are subject to dispute. For the purposes of this section and compliance with other laws and regulations, a lessor may rely on a sworn statement by the lessee that the lessee has met any and all prior premium or fee obligations, unless the lessor has actual knowledge to the contrary.

(9) Insurers shall conduct annual audits of payroll and classifications of employee leasing companies in order to ensure that the appropriate premium is charged for workers' compensation coverage. The audits shall be conducted to ensure that all sources of payment by lessors to employees, subcontractors, and independent contractors have been reviewed and the accuracy of classifications of employees have been verified. Insurers may provide for more frequent audits of lessors based on such factors as amount of premium, type of business, loss ratios, or other relevant factors. Payroll and classification verification audit rules of insurers must include, but need not be limited to, use by the insurer of state and federal reports of employee income, payroll and other accounting records, certificates of insurance maintained by subcontractors, and duties of employees.

(10) If a lessor or a lessee fails to provide reasonable access to payroll and classification records for a payroll and classification audit, the insured shall pay a premium to the insurer not to exceed three times the most recent estimated annual premium. However, the lessor is not subject to such penalty if the failure to obtain the needed records is the direct result of the acts or omissions of the lessee.

Section 2. This act shall take effect July 1 of the year in which enacted, and shall apply to any workers' compensation insurance policy issued to or renewed with an employee leasing company on or after October 1, 1998.

And the title is amended as follows:

On page 1, lines 2-26,
remove from the title of the bill: all of said lines,

and insert in lieu thereof: An act relating to employee leasing; creating s. 627.192, F.S.; providing purposes; providing definitions; authorizing

certain lessors to secure workers' compensation insurance coverage on leased employees under certain circumstances; providing procedures; requiring such lessors to provide certain information to insurers for certain purposes; providing for cancellation or nonrenewal of such insurance under certain circumstances; providing for notice; providing an exception; providing for assigning an experience modification factor to lessees under a terminated employee leasing arrangement; requiring notice; providing application; prohibiting lessees from entering into employee leasing relationships or from being eligible for certain workers' compensation coverage under certain circumstances; requiring insurers to conduct audits of employee leasing companies for certain purposes; specifying procedures; requiring the insured to pay additional premiums if the lessor or lessee fails to provide certain audit access; providing an exception; providing application; providing an effective date.

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

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

CS for SB 1708—A bill to be entitled An act relating to rulemaking authority with respect to the Department of Labor and Employment Security (RAB); amending s. 370.0805, F.S.; correcting cross-reference; amending s. 413.011, F.S.; authorizing rulemaking for vocational rehabilitation programs and forms; amending s. 413.051, F.S.; authorizing rulemaking for a vending facility program; amending ss. 443.036, 443.091, 443.121, 443.131, 443.141, 443.151, F.S.; defining and modifying specific terms; correcting cross-references; allowing the Division of Unemployment Compensation to adopt rules to determine a claimant's ability to work and availability for work; allowing the division to prescribe by rule training criteria; clarifying types of contracts; allowing the division to adopt rules regarding total succession, procedures for changing methods of reporting, the application of partial payments and monetary and nonmonetary determinations and investigations of eligibility; amending s. 450.121, F.S.; authorizing the Division of Jobs and Benefits to adopt rules that define terms, prescribe documentation for proof of age, prescribe procedure with respect to removal of disability of nonage, require certain safety equipment and a safe workplace for minors, prescribe deadlines for responses to records requests, and state an official address; amending s. 450.30, F.S.; authorizing the division to adopt rules prescribing procedures for registering as a farm labor contractor; amending s. 450.33, F.S.; requiring insurance carriers to notify the division of impending cancellation of insurance on vehicles that transport farm workers; amending s. 450.38, F.S.; authorizing the division to adopt rules containing criteria for determining the amount of civil penalties; providing an effective date.

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

Governmental Responsibility Council Calendar

Bills and Joint Resolutions on Third Reading

HB 4079 was temporarily postponed under Rule 147, the third reading nullified, and its position on the Calendar retained.

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 third time by title.

Further consideration of **SB 1438** was temporarily postponed under Rule 147 and the bill was placed on Unfinished Business.

HB 4687—A bill to be entitled An act relating to regional water supply authorities; amending s. 120.52, F.S.; providing that a member government is not considered a party in administrative proceedings under certain conditions; amending s. 373.1963, F.S.; revising criteria for governance of the West Coast Regional Water Supply Authority and its member governments under interlocal agreements; repealing s. 373.1963(5), F.S., relating to a process for review of a consumptive use permit; amending s. 682.02, F.S.; providing for the arbitration of certain controversies concerning water use; amending s. 768.28, F.S.; allowing an authority to indemnify its member governments; declaring legislative intent to supersede other laws; providing an effective date.

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

Yeas—107

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

Nays—2

Fischer Hafner

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

Votes after roll call:

Yeas—Bloom, Crist, Gottlieb, Greene, Turnbull

So the bill passed and was immediately certified to the Senate.

CS/HB 3605—A bill to be entitled An act relating to public hospital meetings and records; amending s. 395.3035, F.S.; defining "strategic plan" for purposes of provisions which provide for the confidentiality of such plans and of meetings relating thereto; providing an exemption from open meetings requirements for meetings at which such plans are modified or approved by the hospital's governing board; prohibiting public hospitals from taking certain specified actions at closed meetings; authorizing the governing board of a public hospital to study issues relating to reduction or termination of a health service; requiring a public meeting for presentation of proposals; providing for public comment; restricting governing board adoption to proposals presented; providing for a public meeting and notice regarding strategic plans; providing for future review and repeal; providing conditions for the early

release of transcripts of meetings at which such plans are discussed; providing a finding of public necessity; providing an effective date.

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

Yeas—106

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

Nays—8

Brennan	Frankel	Jacobs	Mackenzie
Diaz de la Portilla	Healey	Lynn	Silver

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

Votes after roll call:

Yeas—Saunders
Yeas to Nays—Kosmas

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

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 third time by title.

On motion by Rep. Bronson, further consideration of **HB 4079** was temporarily postponed under Rule 147 and the bill was placed on Unfinished Business.

Bills and Joint Resolutions on Second Reading

On motion by Rep. Boyd, **CS/CS/HB 3491** was temporarily postponed under Rule 147, the second reading nullified, and its position on the Calendar retained.

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

On motion by Rep. Starks, **CS/HB 3173** was temporarily postponed under Rule 147, the second reading nullified, and its position on the Calendar retained.

HB 4685—A bill to be entitled An act relating to aquatic plant management; transferring aquatic plant management and control programs from the Department of Environmental Protection to the Florida Game and Fresh Water Fish Commission; amending s. 206.606, F.S.; revising distribution of gasoline tax revenues; creating s. 369.102, F.S.; providing definitions for pt. I of ch. 369, F.S.; amending ss. 369.20, 369.22, 369.25, 369.251, and 369.252, F.S., relating to aquatic weed control, regulation of aquatic and nonnative plants, and control of invasive exotic plants on public lands; providing that certain rules remain in effect; revising an exemption from aquatic weed control permitting requirements; deleting definitions; revising authority and references to conform to the transfer of responsibilities under the act; amending s. 372.074, F.S.; revising provisions relating to the Fish and Wildlife Habitat Program of the Florida Game and Fresh Water Fish Commission; amending ss. 581.035 and 581.145, F.S.; correcting cross references; providing an effective date.

—was read the second time by title.

Further consideration of **HB 4685** was temporarily postponed under Rule 147 and the bill was placed on Unfinished Business.

CS/HB 3779 was temporarily postponed under Rule 147 and its position on the Calendar retained.

HB 3115—A bill to be entitled An act relating to animals; creating s. 828.35, F.S.; providing requirements for the rabies vaccination of ferrets; providing exemptions; providing for rabies vaccination certificates; providing for quarantine according to rules; providing a penalty; providing an effective date.

—was read the second time by title.

Representative(s) Ziebarth, Harrington, and Smith offered the following:

Amendment 1—On page 2, between lines 23 and 24,

insert:

(7) *Spray painting ferrets will only be allowed on that day in which the University of Florida plays Florida State University in football.*

(8) *High diving ferret acts in which the ferret is diving over three feet are now unlawful.*

(9) *Providing for a ferret curfew. No ferret under the age of one year will be outside between the hours of 11:00 p.m. and 6:00 a.m. unless accompanied by an owner or a ferret over the age of three.*

(10) *Providing that it is unlawful for any ferret, while being detained by a human, and with intent to harass, annoy, threaten, or alarm a person who is detaining said ferret, to cause or attempt to cause such human to come into contact with regurgitated food, or saliva, whether by throwing, tossing, or expelling such fluid or material. Any ferret who violates this paragraph commits battery, a felony of the third degree.*

(11) All ferrets in the state of Florida will receive a sales tax exempt status on dental and orthodontal work as provided in s. 120.04.

(12) Providing that ferrets be considered an adult when driving in a high density traffic lane on state highways.

Rep. Ziebarth moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

Representative(s) Futch offered the following:

Amendment 2 (with title amendment)—

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 828.30, Florida Statutes, is amended to read:

828.30 Rabies vaccination of dogs, ~~and~~ cats, and ferrets.—

(1) All dogs, ~~and~~ cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a United States Government-approved vaccine. The cost of vaccination must be borne by the animal's owner.

(2) A dog, ~~or~~ cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate which must contain at least the following information:

- (a) The license number of the administering veterinarian.
- (b) The name, address, and phone number of the veterinarian and owner.
- (c) The date of vaccination.
- (d) The expiration date of the vaccination.
- (e) The species, age, sex, color, breed, weight, and name of the animal vaccinated.
- (f) The rabies vaccine manufacturer.
- (g) The vaccine lot number and expiration date.
- (h) The type and brand of vaccine used.
- (i) The route of administration of the vaccine.
- (j) The signature or signature stamp of the licensed veterinarian.

(4) Beginning March 1, 1999, each ferret vaccinated according to this section must be quarantined, when necessary, according to rules of the Department of Health.

(5)(4) Violation of this section is a civil infraction, punishable as provided in s. 828.27(2).

(6)(5) This section does not prohibit or limit municipalities or counties from enacting requirements similar to or more stringent than the provisions of this section for the implementation and enforcement of rabies-control ordinances.

Section 2. This act shall take effect January 1, 1999.

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 animals; amending s. 828.30, F.S.; providing for the rabies vaccination

of ferrets; providing for quarantine according to rules; providing an effective date.

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

On motion by Rep. Futch, the rules were suspended and HB 3115, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

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

Nays—None

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

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

Motions Relating to Committee References

On motion by Rep. Garcia, agreed to by two-thirds vote, HB 3587 was withdrawn from the Committee on Finance & Taxation and remains referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. Garcia, agreed to by two-thirds vote, HB 4765 was withdrawn from the Committee on Finance & Taxation and remains referred to the Committee on Community Affairs.

On motion by Rep. Garcia, HB 4765 was further referred to the Committee on Transportation & Economic Development Appropriations and remains referred to the Committee on Community Affairs.

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

Messages from the Senate

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 2524, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Ways and Means, Commerce and Economic Opportunities and Senator Harris and others—

CS for CS for SB 2524—A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of the WAGES Program State Board of Directors; allowing the Governor to designate the WAGES Program State Board of Directors as a nonprofit corporation; providing requirements; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances; providing that an individual who cares for a disabled family member is exempt from certain time limitations; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; providing legislative intent; amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation; creating s. 414.80, F.S.; designating specified sections as the “WAGES Emergency Response Act”; creating s. 414.810, F.S.; providing legislative findings and intent; creating s. 414.811, F.S.; providing for policy and purposes relating to the WAGES Emergency Response Program; creating s.

414.812, F.S.; limiting authority of the State WAGES Emergency Response Team; creating s. 414.813, F.S.; providing for liberal construction; creating s. 414.820, F.S.; designating areas of critical state economic concern; creating s. 414.830, F.S.; providing for WAGES Emergency Response Team Coordinators; providing team authorities; providing for gubernatorial authorities; creating s. 414.840, F.S.; creating Regional WAGES Emergency Response Teams; providing for responsibilities; creating s. 414.845, F.S.; creating local project teams; providing for powers and responsibilities for such teams; providing guidelines for prioritization of projects; creating s. 414.850, F.S.; providing for expiration and review of the WAGES Emergency Response Program; creating s. 414.860, F.S.; providing for a legislative oversight committee; requiring a contract related to job creation and training activities; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.047, F.S.; creating a Quick-response Training Program for WAGES participants; providing requirements; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; providing an appropriation from federal funds to support local WAGES Coalitions; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing rulemaking authority for the Department of Children and Family Services and the Department of Labor and Employment Security; prescribing that the relocation assistance program shall not be construed to require relocation of a WAGES participant; requiring approval of the relocation plan of a WAGES participant; designating resources for support of the WAGES Emergency Response Program; appropriating resources for the life preparation program; providing an effective date.

—was read the first time by title and referred to the Committee(s) on Business Development & International Trade and Transportation & Economic Development Appropriations.

Continuation of Daily Folder

General Calendar

By the Committee on Civil Justice & Claims; Representatives Meek, Miller, Reddick, Bullard, Bush, Dawson-White, Roberts-Burke, Bradley, Flanagan, Villalobos, Warner, Greene, Dennis, Hill, Eggelletion, Logan, Chestnut, and Silver—

CS/HB 3035—A bill to be entitled An act for the relief of Freddie Lee Pitts and Wilbert Lee; providing for a hearing to be conducted by the Division of Administrative Hearings; requiring the Department of Legal Affairs to represent the state; providing a contingent appropriation to compensate Freddie Lee Pitts and Wilbert Lee, if appropriate; providing

a contingent appropriation for the payment of attorneys' fees; providing an effective date.

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

Representative(s) Logan, Roberts-Burke, Hill, and Meek offered the following:

Amendment 1—On page 2, lines 1 through 30 remove from the bill:

All of said lines

and insert in lieu thereof:

Section 1. *The Division of Administrative Hearings is directed to appoint an administrative law judge to conduct a hearing and determine whether a basis for equitable relief exists for the purpose of compensating claimants Freddie Lee Pitts and Wilbert Lee for any wrongful act or omission of the State of Florida, or officials thereof, which affected the fundamental fairness of the criminal proceedings against the claimants and resulted in their convictions. In conducting the hearing, the administrative law judge shall review the trial and appellate record of the criminal cases against the claimants, the record of the legislative proceedings, and the Cabinet pardon proceedings and shall report on the fundamental fairness thereof. The Department of Legal Affairs is directed to provide representation for the State of Florida.*

Section 2. *If the administrative law judge determines that a basis for equitable relief exists, the administrative law judge is authorized to award claimants Freddie Lee Pitts and Wilbert Lee the amount of \$852,404 each. The determination of the administrative law judge shall be reported to the President of the Florida Senate and the Speaker of the Florida House of Representatives no later than November 1, 1998. The Comptroller is authorized to draw a warrant in satisfaction of the relief awarded by the administrative law judge as provided in this act, and the State Treasurer is directed to pay the same out of funds appropriated in section 3 of this act.*

Section 3. *The amount of \$2,131,010 is hereby appropriated from the General Revenue Fund in the State Treasury to fund any amounts awarded to Freddie Lee Pitts and Wilbert Lee pursuant to this act, including amounts awarded pursuant to section 4 of this act.*

Rep. Logan moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

Representative(s) D. Prewitt offered the following:

Amendment 2—On page 2, line 26, remove from the bill: *\$875,000*

and insert in lieu thereof: *\$1,875,000*

Rep. D. Prewitt moved the adoption of the amendment.

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

Yeas—86

The Chair	Burroughs	Fasano	Lacasa
Alexander	Byrd	Feeney	Lawson
Argenziano	Carlton	Fuller	Lippman
Arnall	Casey	Futch	Littlefield
Bainter	Chestnut	Garcia	Livingston
Ball	Clemons	Goode	Logan
Barreiro	Constantine	Goode	Lynn
Bitner	Crady	Greene	Mackey
Boyd	Crow	Harrington	Maygarden
Bradley	Dennis	Hill	Meek
Bronson	Diaz de la Portilla	Jones	Melvin
Brooks	Dockery	Kelly	Merchant
Bullard	Eggelletion	King	Miller

Minton	Reddick	Smith	Villalobos
Morrioni	Ritchie	Spratt	Wallace
Morse	Roberts-Burke	Starks	Warner
Murman	Rodriguez-Chomat	Sublette	Westbrook
Ogles	Safley	Tamargo	Wiles
Peaden	Sanderson	Thrasher	Wise
Posey	Saunders	Tobin	Ziebarth
Pruitt, K.	Sembler	Trovillion	
Putnam	Sindler	Valdes	

Nays—25

Betancourt	Effman	Horan	Silver
Bloom	Fischer	Jacobs	Stafford
Brennan	Frankel	Kosmas	Turnbull
Brown	Gottlieb	Mackenzie	Wasserman Schultz
Bush	Hafner	Prewitt, D.	
Cosgrove	Healey	Rayson	
Dawson-White	Heyman	Ritter	

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

On motion by Rep. Meek, the rules were suspended and CS/HB 3035 was read the third time by title. On passage, the vote was:

Yeas—102

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

Nays—13

Arnold	Crady	Maygarden	Smith
Ball	Dockery	Melvin	Sublette
Bronson	Kelly	Merchant	Westbrook
Clemons			

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

Votes after roll call:

Yeas—Flanagan, Safley

So the bill passed and was immediately certified to the Senate.

Explanation of Vote

What monetary price can society pay for a wrongdoing? The heaviest burden for us to bear is a price that can never be enough. This bill is a down payment for a moral debt that society bears—some amount of justice for an incalculable injustice.

We begin anew today. It is fitting and just.

*Rep. John F. Cosgrove
District 119*

CS/HJR 4553—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution, relating to bonds for state conservation, recreation, and restoration programs and for postsecondary education infrastructure construction.

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

Messages from the Senate

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has adopted HCR 3-Org; passed CS/HB 29; CS/HB 161; CS/HB 3161; HBs 3205 and 3289; and CS/HB 4065; and adopted HM 4265.

Faye W. Blanton, Secretary

The above bills and memorial were ordered enrolled.

Motion to Adjourn

Rep. Crady moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 8:30 a.m., Thursday, April 23. The motion was agreed to.

Recorded Votes

Rep. Albright:

Change from Yea to Nay—HB 3217

Rep. Brooks:

Yea—CS for CS for SB 626

Rep. Constantine:

Yea—CS/HB 1377

Rep. Crow:

Yea—Amendment 1 to Amendment 1 to HB 3999

Rep. Lynn:

Nay—Amendment 1 to Amendment 1 to HB 3999

Rep. Mackenzie:

Yea—CS/HB 1087

Rep. Safley:

Change from Yea to Nay—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

Rep. Wasserman Schultz:

Change from Nay to Yea—HB 1269

Cosponsors

- CS/CS/HB 71—Crist
- CS/HB 105—Crist
- CS/HB 159—Lynn
- CS/HB 193—Crist
- CS/HB 217—Crist
- CS/CS/HB 679—Brown, Kosmas, Silver

- CS/HB 825—Crist
- CS/HB 1087—Crist
- CS/CS/HB 1093—Alexander, Sindler
- CS/CS/HB 1137—Lynn
- CS/HB 1213—Crist, Silver
- CS/HB 1273—Crist
- HB 1317—Crist
- CS/HB 1355—Crist
- HB 1547—Crist
- CS/HB 1795—Crist
- CS/HB 1883—Culp
- HB 1901—Crist
- CS/CS/HB 3075—Culp
- CS/CS/CS/HB 3075—Silver
- CS/HBs 3089 & 171—Crist
- CS/HB 3127—Tamargo
- HB 3135—Kelly
- HB 3141—Crist
- HJR 3151—Crist, Valdes
- CS/CS/HB 3193—Silver
- CS/CS/HB 3229—Crist
- CS/HB 3257—Silver
- CS/CS/HB 3265—Crist
- HB 3275—Crist
- CS/HB 3295—Culp
- HB 3303—Crist
- CS/HB 3327—Crist
- CS/HB 3373—Crist
- CS/HB 3427—Silver
- HB 3483—Mackenzie
- CS/HBs 3503 & 3329—Crist
- CS/HB 3511—Silver
- CS/HB 3539—Cosgrove, Crist
- CS/HB 3549—Crist
- HB 3575—Crist
- CS/HB 3581—Crist
- HB 3593—Crist
- CS/HB 3605—Carlton
- CS/CS/HB 3657—Crist
- HB 3675—Carlton
- CS/HB 3681—Lynn
- CS/HB 3709—Silver
- CS/HB 3733—Crist
- HB 3783—Crist
- HB 3871—Crist
- HB 3873—Crist
- HB 3875—Crist
- HB 3879—Crist
- HB 3881—Crist
- HB 3923—Crist
- CS/HB 3925—Crist
- HB 3975—Lynn, Posey, Wiles
- HB 4011—Eggelletion
- CS/HB 4051—Silver
- CS/HB 4065—Crist
- CS/HB 4131—Crist
- CS/HB 4147—Crist
- HB 4193—Crist
- HB 4219—Crist
- HB 4275—Alexander, Crady, Dockery, Feeney, Murman, Putnam, Spratt, Wiles
- HB 4333—Crist
- CS/HB 4407—Crist
- CS/HB 4415—Crist
- HB 4437—Crist
- HB 4543—Crist
- HB 4563—Kelly
- HR 9441—Bush, Roberts-Burke
- HR 9447—Crady
- HR 9483—Horan

Introduction and Reference

By the Committee on Rules, Resolutions, & Ethics; Representatives Thrasher and Crady—

HCR 4829—A concurrent resolution authorizing the creation of an interim task force study for review and improvement of the provisions of Florida's ethics laws.

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

By the Committee on Rules, Resolutions, & Ethics; Representatives Thrasher and Crady—

HB 4831—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 110.108, 110.123, 120.57, 154.04, 215.196, 216.292, 217.045, 217.11, 230.23, 255.102, 255.249, 255.25, 255.25001, 255.253, 255.254, 255.255, 255.257, 255.258, 255.31, 255.45, 255.451, 255.502, 255.503, 255.504, 255.505, 255.506, 255.507, 255.508, 255.509, 255.51, 255.511, 255.513, 255.514, 255.515, 255.517, 255.518, 255.52, 255.521, 255.522, 255.523, 265.001, 265.002, 265.2865, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.16, 272.185, 273.055, 281.02, 281.03, 281.04, 281.05, 281.06, 281.08, 281.09, 282.102, 282.103, 282.104, 282.105, 282.1095, 282.111, 283.30, 283.32, 284.33, 287.012, 287.017, 287.022, 287.032, 287.042, 287.045, 287.055, 287.056, 287.057, 287.058, 287.073, 287.083, 287.09451, 287.131, 287.15, 287.16, 287.161, 287.19, 288.15, 288.18, 318.21, 334.0445, 364.515, 365.171, 376.10, 395.1031, 401.013, 401.015, 401.018, 401.024, 403.7065, and 946.515, Florida Statutes, pursuant to the directive of the Legislature in s. 4, ch. 97-296, Laws of Florida, to substitute a reference to the Department of Management Services for all references in the Florida Statutes to any division, bureau, or other unit of the Department of Management Services, except for references to the Division of Administrative Hearings, the Division of Retirement, or commissions.

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

By the Committee on Rules, Resolutions, & Ethics; Representatives Thrasher and Crady—

HB 4833—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 20.19, 20.316, 26.012, 27.02, 27.151, 27.52, 39.01, 39.40, 39.403, 39.408, 39.41, 39.452, 39.454, 49.011, 95.11, 228.041, 230.2316, 230.23161, 230.335, 232.17, 232.19, 239.117, 240.235, 240.35, 253.025, 316.003, 316.635, 318.143, 318.21, 397.6758, 397.706, 409.145, 409.1685, 409.2564, 409.803, 415.107, 415.5015, 415.503, 415.5086, 415.51, 419.001, 743.0645, 744.309, 784.075, 790.22, 790.23, 877.22, 921.0012, 921.0022, 938.17, 943.0515, 943.0585, 943.059, 944.401, 948.51, 958.04, 958.046, 960.001, 984.03, 984.04, 984.05, 984.071, 984.10, 984.15, 984.16, 984.20, 984.21, 984.22, 984.225, 984.226, 984.23, 984.24, 985.03, 985.213, 985.214, 985.218, 985.231, and 985.306, F.S., to conform to the directive of the Legislature in section 122 of chapter 97-238, Laws of Florida, to incorporate the reorganization of the content of chapter 39, F.S., into chapters 39, 984, and 985, F.S., as provided in chapter 97-238; correcting cross-references.

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

By Representative Boyd—

HM 4835—A memorial urging Congress to reject legislation preempting state authority to regulate health insurance arrangements offered by certain associations and business groups, commonly known as multiple employer welfare arrangements or association health plans.

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

By Representatives Sanderson, K. Pruitt, Feeney, Merchant, Peaden, Goode, Spratt, Lynn, Alexander, Flanagan, Byrd, Clemons, Edwards, Jacobs, Bloom, Healey, Casey, Bainter, Wise, Jones, Brennan, Gay, Horan, Hafner, Ritter, Mackenzie, King, Gottlieb, Lippman, Fischer, Effman, Boyd, Eggelletion, Wiles, Turnbull, Dennis, Wallace, Andrews, Greene, Carlton, Tobin, Bush, Bullard, and Frankel—

HR 9563—A resolution designating October 1998 as Breast Cancer Awareness Month.

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

By Representatives Flanagan and Ogles—

HR 9565—A resolution honoring the Manatee East Little League 11-12-Year-Old All-Stars.

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

Reference

HB 4301—Referred to the Committee(s) on Health Care Standards & Regulatory Reform and Governmental Operations.

HB 4339—Referred to the Committee(s) on Health Care Standards & Regulatory Reform and Governmental Operations.

HB 4367—Referred to the Committee(s) on Governmental Operations.

HB 4593—To the Fiscal Responsibility Council.

HB 4595—To the Fiscal Responsibility Council.

HB 4597—To the Fiscal Responsibility Council.

HB 4599—To the Fiscal Responsibility Council.

HB 4601—To the Fiscal Responsibility Council.

HB 4603—To the Fiscal Responsibility Council.

HB 4605—To the Fiscal Responsibility Council.

HB 4607—To the Fiscal Responsibility Council.

HB 4609—To the Fiscal Responsibility Council.

HB 4611—To the Fiscal Responsibility Council.

HB 4613—To the Fiscal Responsibility Council.

HB 4615—To the Fiscal Responsibility Council.

HB 4617—To the Fiscal Responsibility Council.

HB 4619—To the Fiscal Responsibility Council.

HB 4621—To the Fiscal Responsibility Council.

HB 4623—To the Fiscal Responsibility Council.

HB 4625—To the Fiscal Responsibility Council.

HB 4627—To the Fiscal Responsibility Council.

HB 4629—To the Fiscal Responsibility Council.

HB 4631—To the Fiscal Responsibility Council.

HB 4633—To the Fiscal Responsibility Council.

HB 4635—To the Fiscal Responsibility Council.

HB 4637—To the Fiscal Responsibility Council.

HB 4639—To the Fiscal Responsibility Council.

HB 4641—To the Fiscal Responsibility Council.

HB 4643—To the Fiscal Responsibility Council.

HB 4645—To the Fiscal Responsibility Council.

HB 4647—To the Fiscal Responsibility Council.

HB 4649—To the Fiscal Responsibility Council.

HB 4651—To the Fiscal Responsibility Council.

HB 4653—To the Fiscal Responsibility Council.

HB 4655—To the Fiscal Responsibility Council.

HB 4657—To the Fiscal Responsibility Council.

- HB 4659—To the Fiscal Responsibility Council.
- HB 4661—To the Fiscal Responsibility Council.
- HB 4663—To the Fiscal Responsibility Council.
- HB 4779—To the Fiscal Responsibility Council.
- HB 4815—To the Economic Impact Council.

First Reading of Committee Substitutes by Publication

By the Committees on Governmental Operations; Transportation; Representative Fuller—

CS/HB 4699—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 427.011, F.S.; providing definitions; amending s. 427.012, F.S.; revising the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising language with respect to the purpose and responsibilities of the commission; amending s. 427.0135, F.S.; providing requirements with respect to agency purchasers of transportation disadvantaged services; providing duties and responsibilities; amending s. 427.015, F.S.; revising language with respect to the function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged; amending s. 427.0155, F.S.; revising language with respect to community transportation coordinators; creating s. 427.0156, F.S.; providing for the organization and membership of local coordinating boards; amending s. 427.0157, F.S.; providing for powers and duties of local coordinating boards; amending s. 427.0159, F.S.; revising language with respect to the Transportation Disadvantaged Trust Fund; amending s. 427.016, F.S.; revising language with respect to the expenditure of local government, state, and federal funds for the transportation disadvantaged; creating s. 186.024, F.S.; creating a program for transportation services to the transportation disadvantaged; providing legislative findings and intent; providing for a strategic plan; providing for interagency agreement; providing for agency responsibilities; providing an effective date.

Daily Folder

Communication was received from the Speaker that under Rule 132, the Daily Folder for Wednesday, April 22, 1998, beginning at 12:40 p.m., would consist of the following:

- 2:15 p.m. - 3:00 p.m. Governmental Responsibility Council Calendar
- 3:00 p.m. - 4:00 p.m. Justice Council Calendar
- 4:00 p.m. - 5:00 p.m. Economic Impact Council Calendar
- 5:00 p.m. - 6:00 p.m. General Calendar

- CS/HB 3035 Relief/Freddie Pitts & Wilbert Lee
- CS/HJR 4553 Fla. 2020 Program/Bonding authority
- HB 4555 Special Election/Issuance of Bonds
- HB 4557 Florida 2020 Trust Fund
- HB 4297 Ballot Referenda/Summary & Title

Reports of Councils and Standing Committees

Committee Reports

Received April 22:

The Committee on Elder Affairs & Long Term Care (Government Services Council) recommends the following pass:
SB 892 (unanimous)

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

The Committee on Finance & Taxation recommends the following pass:
HB 3225, with 1 amendment (fiscal note attached, unanimous)

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

The Committee on General Government Appropriations recommends the following pass:

- CS/HB 945, with 1 amendment (fiscal note attached, unanimous)
- CS/HB 1273 (fiscal note attached, unanimous)
- CS/CS/HBs 3249 & 3305 (fiscal note attached, unanimous)
- HB 3251 (fiscal note attached, unanimous)
- CS/CS/HB 3351 (fiscal note attached, unanimous)
- HB 3525 (fiscal note attached, unanimous)
- CS/HB 3673, with 1 amendment (fiscal note attached, unanimous)
- CS/HB 3795 (fiscal note attached, unanimous)
- CS/CS/HB 3899, with 1 amendment (fiscal note attached, unanimous)
- CS/HB 4149, with 2 amendments (fiscal note attached, unanimous)
- HB 4165, with 2 amendments (fiscal note attached, unanimous)
- CS/HB 4221, with 6 amendments (fiscal note attached, unanimous)
- HB 4333, with 2 amendments (fiscal note attached)
- CS/HB 4353 (fiscal note attached, unanimous)
- HB 4435, with 2 amendments (fiscal note attached, unanimous)
- HB 4439, with 3 amendments (fiscal note attached, unanimous)
- HB 4441 (fiscal note attached, unanimous)
- CS/HJR 4553 (fiscal note attached, unanimous)
- HB 4557 (fiscal note attached, unanimous)
- HB 4675 (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:

- HB 4067, with 1 amendment (unanimous)
- HB 4395 (unanimous)
- HB 4413, with 8 amendments (unanimous)
- HB 4563 (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:

- CS/HB 3707, with 1 amendment
- HB 4089

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

The Committee on Health & Human Services Appropriations recommends the following pass:

- CS/HB 891, with 2 amendments (fiscal note attached)
- CS/HB 3105, with 1 amendment (fiscal note attached, unanimous)
- CS/HB 3487, with 1 amendment (fiscal note attached, unanimous)
- HB 4007 (fiscal note attached, unanimous)
- CS/HB 4147, with 1 amendment (fiscal note attached, unanimous)
- HB 4515, with 2 amendments (fiscal note attached, unanimous)
- HB 4709 (fiscal note attached)

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

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

- CS/HB 797 (fiscal note attached, unanimous)
- CS/HB 3111, with 2 amendments (fiscal note attached, unanimous)
- HB 3501 (fiscal note attached, unanimous)
- HB 3687, with 9 amendments (fiscal note attached, 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 3341, with 1 amendment (unanimous)

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

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

HB 4157 (unanimous)

HB 4315, with 1 amendment (unanimous)

The above bills were referred to the Committee on Education Appropriations.

The Committee on Finance & Taxation recommends the following pass:

HB 4155 (fiscal note attached)

HB 4403, with 1 amendment (fiscal note attached, unanimous)

HB 4495 (fiscal note attached, unanimous)

HB 4519 (fiscal note attached, unanimous)

HB 4567, with 2 amendments (fiscal note attached, unanimous)

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

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

HB 4177, with 2 amendments (unanimous)

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

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

HB 3727, with 1 amendment (unanimous)

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

The Committee on Finance & Taxation recommends the following pass:

HB 4523, with 1 amendment (fiscal note attached)

The above bill was referred to the Committee on Transportation & Economic Development Appropriations.

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

HB 4699

The above committee substitute was referred to the Committee on Transportation & Economic Development Appropriations, and, under the rule, HB 4699 was laid on the table.

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

HB 3069, with 1 amendment (unanimous)

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

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

HB 3035

The above committee substitute was referred to the Committee on Governmental Operations (Governmental Responsibility Council), and, under the rule, HB 3035 was laid on the table.

Enrolling Reports

HBs 4201 and 4205 have been enrolled, signed by the required constitutional officers, and presented to the Governor on April 22, 1998.

John B. Phelps, Clerk

Excused

Rep. Culp

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).

CS/SB 1402 (elections): Rep. Morse, Rep. Meek, Rep. Stabins, and Rep. Carlton (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:59 p.m., to reconvene at 8:30 a.m., Thursday, April 23.