



The Journal OF THE House of Representatives

Number 17

Thursday, April 27, 2000

The House was called to order by the Speaker at 9:20 a.m.

Prayer

The following prayer was offered by the Reverend Ted Pierce of First Presbyterian Church of Orlando, upon invitation of Rep. Sublette:

It is an honor and a privilege to open this session with prayer today. Our children from First Presbyterian Church of Orlando have been praying for you this week, and I thought I would share some of their prayers with you today. Honestly, their prayers are better than any prayer that I could have written, and I am convinced that children have a direct line with God. So, here are portions of some of their prayers that they have been praying for you this week. I have them written out and we are going to post them somewhere so that you can read them in length.

“Dear God, help those people who work for you in Tallahassee.”

“God, make sure they make good laws.”

“Help them help our pets.”

“If they lose their election, help them be OK; if they win, help them be nice people.”

“God, let them remember and help poor children.”

“If they do bad things, help them do better next time.”

“God, I am not sure what they do, but you can help them.”

“Help them play fair at recess and have fun.”

“Heavenly Father, they must be good people, because people voted for them.”

“Lord, have them make a law that puts an end to report cards and tests.”

“God, I have an idea for the House of Representatives: Help us make small houses for the homeless so they don't live outside by themselves, and tell them that God is with them.”

“I know the House of Representatives try their best to make good choices. God, please be with their families; I do not know if they see their families a lot, but help their families realize that they are always doing something good to make their lives better, as well as the world.”

“Dear God, help them not fight over the little stuff.”

May God bless these children, and may God bless your efforts and your life. Amen.

The following Members were recorded present:

Session Vote Sequence: 273

The Chair	Crist	Jacobs	Ritter
Albright	Crow	Johnson	Roberts
Alexander	Detert	Jones	Rojas
Andrews	Diaz de la Portilla, R.	Kelly	Rubio
Argenio	Dockery	Kilmer	Russell
Argenziano	Edwards	Kosmas	Ryan
Arnall	Effman	Kyle	Sanderson
Bainter	Eggelletion	Lacasa	Sembler
Ball	Farkas	Lawson	Smith, C.
Barreiro	Fasano	Levine	Smith, K.
Bense	Feeny	Littlefield	Sobel
Betancourt	Florentino	Lynn	Sorensen
Bilirakis	Flanagan	Maygarden	Spratt
Bitner	Frankel	Melvin	Stansel
Bloom	Fuller	Merchant	Starks
Boyd	Futch	Miller, J.	Suarez
Bradley	Garcia	Miller, L.	Sublette
Bronson	Gay	Minton	Trovillion
Brown	Goode	Morrone	Tullis
Brummer	Goodlette	Murman	Turnbull
Bucher	Gottlieb	Ogles	Villalobos
Bullard	Green, C.	Patterson	Wallace
Bush	Greene, A.	Peaden	Wasserman Schultz
Byrd	Greenstein	Posey	Waters
Cantens	Hafner	Prieguez	Wiles
Casey	Harrington	Pruitt	Wilson
Chestnut	Hart	Putnam	Wise
Constantine	Henriquez	Rayson	
Cosgrove	Heyman	Reddick	
Crady	Hill	Ritchie	

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

A quorum was present.

Pledge

The Members, led by Timothy Allan Rawlins of Hollywood, Arthur Fredrick Register III of Altamonte Springs, Marissa J. Rogers of Eustis, and Jonathan Salud of Lake Wales, pledged allegiance to the Flag. Timothy Allan Rawlins served at the invitation of Rep. Gottlieb. Arthur Fredrick Register III served at the invitation of Rep. Constantine. Marissa J. Rogers served at the invitation of Rep. Brummer. Jonathan Salud served at the invitation of Rep. Edwards.

House Physician

The Speaker introduced Dr. Donald Durrance of Brandon, who served in the Clinic today upon invitation of Rep. Byrd.

Correction of the Journal

The *Journal* of April 26 was corrected and approved as corrected.

Reports of Councils and Standing Committees

Special Orders

The Honorable John Thrasher
Speaker, House of Representatives

April 25, 2000

Dear Mr. Speaker:

Your Committee on Rules & Calendar herewith submits as Special Orders for Thursday, April 27, 2000. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

- I. Consideration of the following bill(s):
 - HB 1993—Task Force/Long-term Care
 - CS/HB 1807—Florida Land Title Protection Act
 - HB 1091—W. Palm Beach/Police Pension Fund
 - HB 289—Schools/Construction Projects/Funds
 - CS/HB 2085—Drug Trafficking
 - HB 1759—Juveniles/Classification & Placement
 - HB 2223—Juvenile Delinquency Prevention
 - HB 2167—Management Services Department
 - HB 761—Community-based Development Orgs.
 - HB 2115—Florida Engineers Management Corp.
 - HB 2269—Political Campaigns
 - HB 1625—Unlicensed Practice of Health Care
 - HB 2073—Cultural Endowment Program
 - CS/CS/HB 591—Certificates of Need/AHCA
 - HB 1089—W. Palm Beach/Firefighters Pension
 - HB 2207—Revegetation/Sovereignty Lands/DEP
 - HB 2239—Construction
 - CS/HB 1753—Environmental Control
 - HB 2007—State Leases
 - HB 323—Math & Science Teacher-Educ. Program
 - CS/CS/HB 2023—Administrative Procedure

Respectfully submitted,
Joseph Arnall
Chair
Committee on Rules & Calendar

On motion by Rep. Arnall, the rules were suspended and the above report was adopted.

The Honorable John Thrasher
Speaker, House of Representatives

April 26, 2000

Dear Mr. Speaker:

In accordance with the vote of the House, the following report is the AMENDED Special Order for the afternoon of Thursday, April 27, 2000. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

- I. Time Certain - 1:30 pm - consideration of the following bills:
 - CS/HB 149—HMOs/Inpatient Hospital Services
 - HB 2053—Electronic Procurement
 - HB 825—Postsecondary Linkage Institutes
 - HB 687—Small Employer Health Benefit Plans
 - HB 2319—Rural Hospitals
 - HB 527—Industrial Life Insurance Policies
 - CS/HB 1885—Florida Taxpayer's Bill of Rights
 - CS/HB 255—Sales Tax Exemption/Diapers
 - CS/HB 1849—Sales Tax/Child Restraints/Vehicles
 - CS/CS/HB 725—Pari-mutuel Wagering/Dogracing
 - HB 2433—Taxation
 - CS/HB 1857—Sports Industry Economic Development
 - HJR 1899—Tax Exemptions/Airports or Seaports
 - CS/HB 67 & 187—Intangible Personal Property Taxes
 - HB 141—Sales Tax Registration Fee

- HB 2179—School District Revenue
- HB 931—Public Medical Assistance
- HB 161—Sales Tax Exemption/Clothing
- CS/HB 2415—Communications Services Tax Law
- HB 2417—Public Records/Telecommunications
- CS/HB 819 & HB 473—Motor Vehicle Emissions
- CS/HB 2211—Regulation of Professions/DBPR
- HB 2219—Children with Developmental Delays
- CS/HB 803—Visually Impaired or Blind Children
- HB 2037—AHCA Reorganization
- HB 2189—Underground Facilities/Excavation
- CS/HB 1725—Debtors & Creditors
- HB 2325—Postprison Supervision
- CS/CS/HB 63 & 77, 891, 995, 2009 & 2135—Teacher Quality
- HB 2197—Charter Schools/Tax Exemption
- HB 2127—State Procurement/Minority Business
- CS/HB 465—Home Inspection Services
- CS/HB 2281—DBPR/Food Service/Alcoholic Beverage
- HB 2355—Brownfield Economic Redevelopment
- HB 2373—Land Management Costs
- HB 2403—Land Acquisition
- HB 2317—Historic Preservation/Dept. of State
- CS/HB 1753—Environmental Control
- HB 2419—Workers' Compensation Division (RAB)
- CS/HB 1111—Sexual Violence in Prisons

- II. Consideration of the following bill(s):
 - SCR 720—Joint Rules of Legislature
 - HB 2245—CFS Department/Rulemaking Authority
 - CS/HB 541—Life & Health Insurance
 - HB 1943—Shands Jacksonville Healthcare, Inc.
 - HB 2383—Legislative Historic Preservation
 - HB 2251—Education (RAB)

Respectfully submitted,
Joseph Arnall
Chair
Committee on Rules & Calendar

On motion by Rep. Arnall, the rules were suspended and the above report was adopted.

Motions Relating to Committee References

On motion by Rep. Crow, agreed to by two-thirds vote, CS/HB 947 was withdrawn from further consideration of the House.

On motion by Rep. Alexander, agreed to by two-thirds vote, HB 1071 was withdrawn from further consideration of the House.

On motion by Rep. Lawson, agreed to by two-thirds vote, HB 1589 was withdrawn from further consideration of the House.

On motion by Rep. Lawson, agreed to by two-thirds vote, HB 1591 was withdrawn from further consideration of the House.

On motion by Rep. Jacobs, agreed to by two-thirds vote, HB 1795 was withdrawn from further consideration of the House.

On motion by Rep. Byrd, agreed to by two-thirds vote, HB 637 was withdrawn from the Committee on Family Law & Children and remains referred to the Committee on Finance & Taxation.

On motion by Rep. Byrd, agreed to by two-thirds vote, HB 2083 was withdrawn from the Committee on Judiciary and placed on the appropriate Calendar.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 1989 was withdrawn from the Committee on Water & Resource Management and remains referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. Peaden, agreed to by two-thirds vote, HB 2231 was withdrawn from the Committee on Health Care Licensing & Regulation and remains referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS/HB 2005 and HB 2283 were withdrawn from the Committee on Education Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HBs 957 and 1821 were withdrawn from the Committee on Finance & Taxation and remain referred to the Committee on Health & Human Services Appropriations.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 1521 was withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS/HBs 695 & 1165 was withdrawn from the Committee on General Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS/HB 263; HB 349; CS/HB 389; CS/HB 411; CS/HBs 587 & 1073; HB 879; CS/HB 899; CS/HB 993; CS/HB 1105; CS/HB 1887; and HBs 1933, 2117, and 2361 were withdrawn from the Committee on General Government Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 2259 was withdrawn from the Committee on Health & Human Services Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS/HB 245 and HBs 403, 743, 775, and 2113 were withdrawn from the Committee on Transportation & Economic Development Appropriations and placed on the appropriate Calendar.

Motion

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, the rules were suspended and the House moved to the Order of Business of Special Orders for Thursday, April 27, before reading Bills and Joint Resolutions on Third Reading.

Special Orders

HB 1993—A bill to be entitled An act creating the Task Force on the Availability and Affordability of Long-term Care; providing for membership and duties; providing for staff and expenses; requiring a report; providing for the expiration of the task force; providing an appropriation; providing an effective date.

—was read the second time by title.

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

(Amendment Bar Code: 322303)

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

Section 1. (1) *There is created the Task Force on the Availability and Affordability of Long-term Care, to study issues related to the provision of long-term care to the elderly in nursing homes and alternatives to nursing homes, and to make recommendations to the Governor and the Legislature. The task force shall, at a minimum, study and make recommendations concerning the following:*

(a) *The availability of alternative housing and care settings for the elderly, including the use of rent-subsidized facilities, assisted living facilities, and adult family care homes.*

(b) *The availability of community-based care arrangements that support elderly individuals to age in place in their own homes and in alternative housing and care settings.*

(c) *The role of family members in caring for elderly relatives and ways in which quality family care can be encouraged.*

(d) *The adequacy of reimbursements for the cost of providing care to the elderly in nursing homes and in alternative housing and care settings.*

(e) *The availability and affordability of long-term-care insurance coverage and the potential for funding long-term care through such coverage.*

(f) *The role of the certificate-of-need process in the development of systems of long-term care for the elderly.*

(g) *The extent to which the quality of care in long-term-care facilities in this state is compromised because of market changes that affect the financial stability of the long-term-care industry.*

(h) *The effect of lawsuits against nursing homes and long-term care facilities on the cost of nursing home care and on the financial stability of the nursing home industry in the state.*

(i) *The kinds of incidents that lead to the filing of lawsuits and the extent to which frivolous lawsuits are filed.*

(j) *The cost of liability insurance coverage for long-term-care providers and the extent to which such costs affect the affordability of care.*

(k) *The availability of liability insurance coverage for long-term-care providers through Florida insurance companies.*

(l) *The primary causes for recent bankruptcies facing the nursing home industry.*

(m) *The additional costs to Medicaid, Medicare, and the family when a patient suffering from a preventable condition has to be admitted to a hospital.*

(n) *The ways in which other states have promoted the development of alternative and homebased care and what they have learned from these innovations.*

(o) *The difference between the quality of care provided by for-profit skilled nursing facilities and by not-for-profit skilled nursing facilities.*

(2) *The task force shall be composed of 15 members, as follows:*

(a) *The Lieutenant Governor, who shall serve as chair of the task force.*

(b) *The Secretary of Elderly Affairs.*

(c) *The director of the state Medicaid program.*

(d) *A member of The Florida Bar, whose practice is primarily elder law, appointed by The Florida Bar.*

(e) *A representative of the Florida Assisted Living Association, appointed by the association.*

(f) *A representative of the Florida Association of Homes for the Aging, appointed by the association.*

(g) *A representative of the insurance industry who has experience in the insurance markets affecting long-term care, appointed by the Governor in consultation with the President of the Senate and the Speaker of the House of Representatives.*

(h) *A member to represent private sponsors of housing for the elderly financed through the United States Department of Housing and Urban Development, appointed by the Secretary of Elderly Affairs.*

(i) *An investment banker who has experience in long-term-care economics, appointed by the Governor in consultation with the President of the Senate and the Speaker of the House of Representatives.*

(j) *An academic gerontologist appointed by the Chancellor of the State University System.*

(k) *A physician whose specialty is geriatrics and who is experienced in treating people with memory-related disorders, appointed by the Florida Medical Association.*

(l) A member of a Florida chapter of the American Association of Retired Persons who has experience administering a long-term care facility, appointed by the Governor in consultation with the President of the Senate and the Speaker of the House of Representatives.

(m) An individual who has experience with periodic review of nursing homes and other long-term care facilities, appointed by the Attorney General.

(n) A representative of the Florida Health Care Association, appointed by the association.

(o) A local volunteer long-term care ombudsman with at least two years of experience in assisting residents of nursing homes and assisted living facilities, appointed by the State Long-term Care Ombudsman.

(3) The task force shall conduct research, hold public meetings, receive testimony, employ consultants, and undertake other activities determined by its members to be necessary to complete its responsibilities.

(4) The members of the task force may not delegate their attendance or voting power to designees.

(5) The task force shall be located at the University of South Florida for administrative purposes. The Florida Policy Exchange Center on Aging at the University of South Florida shall provide staff and support services to the task force. Members of the task force shall serve without compensation, but are entitled to receive reimbursement for travel and per diem as provided in section 112.061, Florida Statutes.

(6) The appointments to the task force must be completed within 30 days after the effective date of this act, and the task force must hold its initial meeting within 45 days after the effective date of this act. The task force shall submit a report containing its recommendations by January 1, 2001, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The recommendations of the task force must include proposed legislation. The task force shall expire on March 1, 2001.

Section 2. For the 2000-2001 fiscal year, the nonrecurring sum of \$200,000 is appropriated from the General Revenue Fund to the University of South Florida for the purposes of implementing this act.

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

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 creating the Task Force on the Availability and Affordability of Long-term Care; providing for membership and duties; providing for staff and expenses; requiring a report; providing for the expiration of the task force; providing an appropriation; providing an effective date.

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

Representative(s) Russell offered the following:

(Amendment Bar Code: 670921)

Amendment 2—On page 2, line 21 through page 3, line 18, remove from the bill: all of said lines

and insert in lieu thereof:

(2) The task force shall be composed of 17 members, as follows:

(a) The Lieutenant Governor, who shall serve as chair of the task force.

(b) The Secretary of Elderly Affairs.

(c) The director of the state Medicaid program.

(d) The Chief of Health Facility Compliance in the Agency for Health Care Administration.

(e) The State Long-Term Care Ombudsman.

(f) A member of The Florida Bar, appointed by The Florida Bar.

(g) A representative of the Florida Assisted Living Association, appointed by the association.

(h) A representative of the Florida Health Care Association, appointed by the association.

(i) A representative of the Florida Association of Homes for the Aging, appointed by the association.

(j) A representative of the insurance industry who has experience in the insurance markets affecting long-term care, appointed by the Governor in consultation with the President of the Senate and the Speaker of the House of Representatives.

(k) A member to represent public housing authorities, appointed by the Secretary of Community Affairs.

(l) A representative of the American Association of Retired Persons, appointed by the association.

(m) An investment banker who has experience in long-term-care economics, appointed by the Governor in consultation with the President of the Senate and the Speaker of the House of Representatives.

(n) Two members appointed by the Speaker of the House of Representatives.

(o) Two members appointed by the President of the Senate.

Rep. Russell moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

Representative(s) Russell offered the following:

(Amendment Bar Code: 050763)

Amendment 3—On page 2, between lines 20 & 21,

insert:

(k) An evaluation of how the quality of care in Florida's long-term care facilities compares with the quality of care in other states.

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

On motion by Rep. Russell, the House reconsidered the motion by which **Amendment 2** was previously withdrawn.

The question recurred on the adoption of **Amendment 2**.

Further consideration of **HB 1993**, with pending amendment, was temporarily postponed under Rule 141.

CS/HB 1807—A bill to be entitled An act relating to the Florida Land Title Protection Act; creating s. 253.90, F.S.; providing legislative intent; validating certain land titles derived from state conveyances made which may have included sovereignty lands; providing for public use of certain waters; providing an effective date.

—was read the second time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative(s) Dockery and Putnam offered the following:

(Amendment Bar Code: 360945)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 253.90, Florida Statutes, is created to read:

253.90 Ordinary high water mark determination and confirmation of certain deeds or grants; legislative intent.—

(1) *Legislative intent. The Legislature recognizes that because the stability of land titles and the clarity of real property boundaries is essential to a civil society, it is in the public interest to resolve the uncertainty and controversy arising from the assertion of state sovereignty ownership claims and public rights to lands that were purportedly conveyed by state deeds or grants as nonsovereignty lands, in a manner that fairly protects the interests of private landowners whose titles are derived from such state deeds or grants, while preserving the public's ownership of and rights to use the navigable waters and sovereignty submerged lands up to the ordinary high water mark. For that purpose, pursuant to Article X, Section 11 of the Florida Constitution, the Legislature expressly finds and declares:*

(a) *It is in the public interest that the ordinary high water mark, as the boundary separating riparian lands from sovereignty submerged lands under navigable nontidal waters, be clearly defined, consistent with its common law meaning as historically applied in Florida, and with its intended purpose as an observable physical boundary that landowners and members of the public can readily identify;*

(b) *It is in the public interest that titles derived from state deeds or grants which purported to convey nonsovereignty lands, but which may have included sovereignty submerged lands within the boundaries described in the deed or grant, be ratified, confirmed, and validated to the extent that the lands purportedly conveyed are located above the ordinary high water mark, as set forth herein.*

(c) *It is in the public interest that the state's title to sovereignty submerged lands under navigable waters, which have not been alienated, and the public's rights to use the navigable waters and sovereignty submerged lands thereunder, be reaffirmed to the extent that such waters and lands are located below the ordinary high water mark, as set forth herein.*

(2) *This section shall be construed to ratify, confirm, and validate titles derived from state deeds or grants which purported to convey nonsovereignty lands, but which may have included sovereignty submerged lands within the boundaries described in the deed or grant, to the extent that the lands purportedly conveyed are located above the ordinary high water mark, as set forth herein. The present holders of the deeds or grants to which this section applies shall retain all riparian rights held by waterfront landowners.*

(3) *This act in no way alters the public's rights to use navigable waters and sovereignty submerged lands for common law public trust purposes up to the ordinary high water mark as defined in this section, nor does this act affect the ownership by the state of sovereignty submerged lands lying below that mark.*

(4) *The ordinary high water mark on nontidal waters is the line at which the water usually stands when free from disturbing causes. It is not the highest point to which the water rises in time of freshets, but is the line that the water impresses upon the soil by covering it for periods sufficient to deprive it of vegetation and to destroy its value for agriculture. It is an ambulatory line, shifting in response to long term changes. The ordinary high water mark is to be determined by examining the bed and banks to ascertain where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed a character distinct from that of the banks, in respect to vegetation and the nature of the soil itself. It is coordinate with the limit of the bed the water occupies sufficiently long and continuously to wrest it from vegetation and destroy its value for agricultural purposes. In some places where the banks are low and flat and the water does not impress on the soil any well-defined line of demarcation between the bed and the banks, the effect of the water upon vegetation must be the principal test in determining the location of the ordinary high water mark as a line between the riparian owner and the public. In such an instance, the ordinary high water mark is the point up to which the presence and action of the water is so continuous as to destroy the value of the land for the agricultural purposes by preventing the growth of vegetation constituting what may be termed an ordinary*

agricultural crop. Marks upon the ground or upon local objects that are more or less permanent may be considered in connection with the competent testimony and other evidence in determining the ordinary high water mark.

(5) *It is not the intent of the Legislature to supersede any specific grant of submerged lands granted to a governmental entity by special act.*

(6) *No lawsuit claiming sovereignty ownership or public use rights to any lands for which a private claimant holds record title from a state deed or grant shall be initiated by or on behalf of the Board of Trustees of the Internal Improvement Trust Fund without the prior approval of a majority of the Board of Trustees of the Internal Improvement Trust Fund.*

Section 2. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

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

And the title is amended as follows:

On page 1, lines 2 through 8
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to the Florida Land Title Protection Act; creating s. 253.90, F.S.; providing legislative intent; validating certain land titles derived from state conveyances; providing for public use of certain waters; defining ordinary high water mark; providing a process for approval of sovereignty claims; providing for severability; providing an effective date.

Rep. Dockery moved the adoption of the amendment.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 213565)

Amendment 1 to Amendment 1 (with title amendment)—On page 4 of the amendment, between lines 19 and 20,

insert:

(7) *This act shall not be interpreted to preclude, alter, or affect any rights of public access to lands and waters below the ordinary high water mark, or any easements by prescription or other common-law rights consistent with Florida law, in effect at the time of passage of this act.*

And the title is amended as follows:

On page 5 of the amendment, line 12, after the first semicolon,

insert: protecting certain public access, easements, and common-law rights;

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

Representative(s) Dockery and Putnam offered the following:

(Amendment Bar Code: 222393)

Amendment 2 to Amendment 1—On page 3, lines 10-12,
remove from the amendment: all of said lines

and insert in lieu thereof:

(4) *The ordinary high water mark on nontidal waters is not the highest point to which the*

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

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

Representative(s) Merchant, Bloom, and Ritter offered the following:

(Amendment Bar Code: 314191)

Amendment 2 (with title amendment)—
Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 253.90, Florida Statutes, is created to read:

253.90 Ordinary high-water mark determination and confirmation of certain deeds or grants; legislative intent.—

(1) The Legislature recognizes that because the stability of land titles and the clarity of real property boundaries is essential to a civil society, it is in the public interest to resolve the uncertainty and controversy arising from the assertion of state sovereignty ownership claims and public rights to lands that were purportedly conveyed by state deeds or grants as nonsovereignty lands, in a manner that fairly protects the interests of private landowners whose titles are derived from such state deeds or grants while preserving the public's ownership of and rights to use the navigable waters and sovereignty submerged lands up to the ordinary high-water mark. For that purpose, pursuant to Article X, Section 11 of the Florida Constitution, the Legislature expressly finds and declares:

(a) It is in the public interest that the ordinary high-water mark, as the boundary separating riparian lands from sovereignty submerged lands under navigable nontidal waters, be clearly defined, consistent with its common law meaning.

(b) It is in the public interest that titles derived from state deeds or grants that purported to convey nonsovereignty lands, but that may have included sovereignty submerged lands within the boundaries described in the deed or grant, be ratified, confirmed, and validated to the extent that the lands purportedly conveyed are located above the ordinary high-water mark, as set forth in this section.

(c) It is in the public interest that the state's title to sovereignty submerged lands under navigable waters, which have not been alienated, and the public's rights to use the navigable waters and sovereignty submerged lands thereunder, be reaffirmed to the extent that such waters and lands are located below the ordinary high-water mark as set forth in this section.

(2) This section pertains to any title to real property which is derived from a properly recorded deed or grant made before this act takes effect by the Board of Trustees of the Internal Improvement Trust Fund or by any other state agency or official; which conveyed swamp or overflowed lands, internal improvement lands, or other nonsovereignty lands; and which contains a legal description that encompasses sovereignty submerged lands.

(3) This section shall be construed to ratify, confirm, and validate private waterfront landowners' title to swamp and overflowed lands, internal improvement lands, and any other nonsovereignty lands down to the ordinary high-water mark of navigable waters. The present holders of the deeds or grants to which this section applies shall retain all riparian rights held by private waterfront landowners.

(4) This section reaffirms the state's title to sovereignty submerged lands under navigable waters up to the ordinary high-water boundary pursuant to Section 11 of Article X of the State Constitution. This act in no way alters the public's rights to use navigable waters and sovereignty submerged lands for common law public trust purposes up to the ordinary high-water mark as defined in this section, nor does this act affect the ownership by the state of sovereignty submerged lands lying below that mark.

(5) The ordinary high-water mark of nontidal waters is the ordinary or normal reach of water during the high water season. It is not the highest point to which the water rises in time of freshets, but is the line that the water impresses upon the soil by covering it for periods sufficient to deprive it of vegetation and to destroy its value for agriculture. It is an ambulatory line, shifting in response to long-term changes. The ordinary high-water mark is to be determined by examining the bed and banks to ascertain where the presence and action of the water are so common and

usual, and so long continued in all ordinary years, as to mark upon the soil of the bed a character distinct from that of the banks, in respect to vegetation and the nature of the soil itself. It is coordinate with the limit of the bed the water occupies sufficiently long and continuously to wrest it from vegetation and destroy its value for agricultural purposes. Where the banks are low and flat and the water does not impress on the soil any well-defined line of demarcation between the bed and the banks, the effect of the water upon vegetation shall be the principal test in determining the location of the line as the boundary between the property of the riparian owner and that of the public. In such an instance, the ordinary high-water mark is the point up to which the presence and action of the water is so continuous as to destroy the value of the land for agricultural purposes by preventing the growth of vegetation constituting what may be termed an ordinary agricultural crop. Marks upon the ground or upon local objects which are more or less permanent may be considered in connection with competent testimony and other evidence in determining the ordinary high-water mark.

(6) It is not the intent of the Legislature to supersede any specific grant of submerged lands granted to a governmental entity by special act.

Section 2. This act shall take effect upon becoming a law.

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 the Florida Land Title Protection Act; creating s. 253.90, F.S.; providing legislative intent; validating certain land titles derived from state conveyances; reaffirming the public's ownership and right to use sovereignty submerged lands; defining ordinary high-water; defining ordinary high-water mark; providing a process for approval of sovereignty claims; providing an effective date.

Rep. Merchant moved the adoption of the amendment.

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

The question recurred on the adoption of **Amendment 2**, which failed of adoption. The vote was:

Session Vote Sequence: 275

Yeas—36

Andrews	Diaz de la Portilla, R.	Henriquez	Morrioni
Betancourt	Edwards	Heyman	Posey
Bloom	Effman	Hill	Rayson
Brown	Feeney	Jacobs	Ritter
Bucher	Frankel	Kosmas	Smith, C.
Chestnut	Garcia	Lacasa	Sobel
Constantine	Gottlieb	Levine	Stafford
Crist	Greenstein	Merchant	Turnbull
Crow	Hafner	Miller, L.	Wasserman Schultz

Nays—74

The Chair	Cantens	Jones	Putnam
Albright	Casey	Kelly	Reddick
Alexander	Crady	Kilmer	Roberts
Argenio	Detert	Kyle	Rojas
Argenziano	Dockery	Littlefield	Rubio
Arnall	Eggelletion	Logan	Russell
Bainter	Farkas	Lynn	Ryan
Ball	Fasano	Maygarden	Sanderson
Barreiro	Flanagan	Melvin	Sembler
Bense	Fuller	Miller, J.	Smith, K.
Bilirakis	Goode	Minton	Sorensen
Bitner	Goodlette	Murman	Spratt
Boyd	Green, C.	Ogles	Stansel
Bronson	Greene, A.	Patterson	Starks
Brummer	Harrington	Peaden	Suarez
Bush	Hart	Priego	Sublette
Byrd	Johnson	Pruitt	Trovillion

Tullis	Wallace	Wiles	Wise
Villalobos	Waters		

Votes after roll call:

Yeas—Cosgrove
Nays—Bullard
Yeas to Nays—Feeney

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

Recessed

On motion by Rep. Arnall, the House recessed at 12:27 p.m., to reconvene at 1:00 p.m. today.

Reconvened

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

Continuation of Special Orders

HB 1993—A bill to be entitled An act creating the Task Force on the Availability and Affordability of Long-term Care; providing for membership and duties; providing for staff and expenses; requiring a report; providing for the expiration of the task force; providing an appropriation; providing an effective date.

—was taken up, having been read the second time, and amended, earlier today; now pending on motion by Rep. Russell to adopt Amendment 2.

The question recurred on the adoption of **Amendment 2**. Further consideration of **HB 1993**, with pending amendment, was temporarily postponed under Rule 141.

HB 1091—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; revising language with respect to the West Palm Beach Police Pension Fund; revising language relating to early retirement; revising the provisions regarding optional forms of retirement income; revising the beneficiary provisions; revising the disability provisions; adding language imposing penalties for false or misleading statements to obtain benefits; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following:

(Amendment Bar Code: 932911)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (2) of section 16 of chapter 24981, Laws of Florida, 1947, as amended by chapters 93-373 and 99-483, Laws of Florida, is amended to read:

Section 16. West Palm Beach Police Pension Fund.—

(2) Definitions.—The following words or phrases, as used in this act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) "Actuarial equivalent value," "actuarial equivalence," or "single sum value" means the stated determination using an interest rate of 8.25 7 percent per year and the 1983 Group Annuity Mortality Table.

Section 2. Paragraph (c) of subsection (8) of section 16 of chapter 24981, Laws of Florida, 1947, as amended by chapter 93-373, Laws of Florida, is amended to read:

Section 16. West Palm Beach Police Pension Fund.—

(8) Age and service requirements for retirement.—

(c) Early retirement.—Any member may retire from the service of the department, ~~with the consent of the city,~~ as of the first day of any

calendar month which is prior to the member's normal retirement date but subsequent to the date as of which he or she has both attained the age of 50 and completed 10 years of credited service. In the event of early retirement, the monthly amount of retirement income payable shall be computed as described in paragraph (9)(a), taking into account his or her credited service to his or her date of actual retirement and his or her final average salary as of such date. The amount of retirement income shall be actuarially reduced to take into account the member's younger age and earlier commencement of retirement income benefits. In no event shall the early retirement reduction exceed 3 percent for each year by which the member's age at retirement preceded the member's normal retirement age.

Section 3. Paragraph (a), subparagraph 1.a. of paragraph (d), and paragraph (e) of subsection (9) of section 16 of chapter 24981, Laws of Florida, 1947, as amended by chapter 93-373, Laws of Florida, are amended to read:

Section 16. West Palm Beach Police Pension Fund.—

(9) Retirement pension calculation.—

(a) Upon retirement eligibility as provided in subsection (8), a member shall receive a monthly pension. The pension shall be ~~equal to~~ ~~the greater of~~ the following, as applicable:

1. A member who has more than or equal to twelve years and six months of service at October 1, 1999, and who was actively employed by the department on or after October 1, 1999, shall receive a benefit equal to the greater of the following:

a. Three percent (3%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned from April 1, 1987, plus two and one-half percent (2 1/2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned prior to April 1, 1987, up to a total of twenty-six (26) years, plus one percent (1%) of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of twenty-six (26) years; or

b. Two and one-half percent (2 1/2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service, not to exceed twenty-six (26) years, plus one percent (1%) of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of twenty-six years; or

c. The sum of the following:

(I) Two and one-half percent (2 1/2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned through September 30, 1988; and

(II) Two percent (2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned on and after October 1, 1988.

However, in no event shall the benefit be less than 2% per year of credited service.

2. A member who has more than twelve years and six months of service and who entered the DROP on or before October 1, 1999, and who was actively employed by the department on October 1, 1999, shall receive a benefit equal to the greater of the following:

a. Three percent (3%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned in the twelve years and six months prior to entering the DROP, plus 2 1/2% of final average salary multiplied by the number of years and fraction of a year of credited service earned prior to that date which is twelve years and six months prior to entering the DROP, up to a total of twenty-six (26) years, plus one percent (1%) of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of twenty-six (26) years. The one-half percent (1/2%) enhancement to the accrual rate shall also be applied retroactively to the date of entering the DROP, or two years, whichever is less; provided that the retroactive application shall include principal only, not any earnings

thereon. An example of the calculation described in this paragraph is set forth in the collective bargaining agreement between the City of West Palm Beach and the Police Benevolent Association, Certified Unit No. 825, October 1, 1998-September 30, 2001; or

b. Two and one-half percent (2 1/2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service, not to exceed twenty-six (26) years, plus one percent (1%) of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of twenty-six years; or

c. The sum of the following:

(I) Two and one-half percent (2 1/2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned through September 30, 1988; and

(II) Two percent (2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned on and after October 1, 1988.

However, in no event shall the benefit be less than 2% per year of credited service.

3. A member who has less than twelve years and six months of service on October 1, 1999, and who was actively employed by the department on or after October 1, 1999, shall receive a benefit equal to the greater of the following:

a. Three percent (3%) of final average salary multiplied by the number of years, and fraction of a year, of credited service up to a total of twenty-six (26) years, plus one percent (1%) of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of twenty-six (26) years; or

b. Two and one-half percent (2 1/2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service, not to exceed twenty-six (26) years, plus one percent (1%) of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of twenty-six (26) years; or

c. The sum of the following:

(I) Two and one-half percent (2 1/2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned through September 30, 1988; and

(II) Two percent (2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned on and after October 1, 1988.

However, in no event shall the benefit be less than 2% per year of credited service.

4. A member who terminated employment, retired on a vested deferred benefit, or retired on or before October 1, 1999, shall receive a benefit equal to the greater of the following:

a. Two and one-half percent (2 1/2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service, not to exceed twenty-six (26) years, plus one percent (1%) of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of twenty-six years; or

b. The sum of the following:

(I) Two and one-half percent (2 1/2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned through September 30, 1988; and

(II) Two percent (2%) of final average salary multiplied by the number of years, and fraction of a year, of credited service earned on and after October 1, 1988.

The three percent (3%) benefit accrual factor for active employees in subparagraphs (9)(a)1., 2., 3., and 4. is contingent on and subject to the adoption and maintenance of the assumptions set forth in subsection (34). If such assumptions are modified by legislative, judicial, or

administrative agency action and the modification results in increased city contributions to the pension fund, the three percent (3%) benefit accrual factor for active employees in subparagraphs (9)(a)1., 2., and 3. shall be automatically decreased prospectively from the date of the action, to completely offset the increase in city contributions. Provided, however, in no event shall the benefit accrual factor in subparagraphs (9)(a)1., 2., 3., and 4. be adjusted below two and one half percent (2 1/2%).

To the extent that the benefit accrual factor is less than three percent (3%) for active members with less than twelve years and six months of service on October 1, 1999, the supplemental pension distribution calculation under subparagraph (12)(a)2. shall be adjusted for employees who retire or enter the DROP after October 1, 1999. The adjustment shall be to decrease the minimum return of eight and one-quarter percent (8.25%) needed to afford the supplemental pension distribution, where the amount of the reduction is zero if an employee has been credited with twelve years and six months of service or more with the three percent (3%) benefit accrual factor or one and one-quarter percent (1.25%) if an employee has been credited with no more than a two and one-half percent (2.5%) benefit accrual factor. If an employee has been credited with less than twelve years and six months of service at the three percent (3%) benefit accrual factor, then the accumulated amount over two and one-half percent (2.5%) for each year of service divided by one-half percent (0.5%) divided by twelve and one-half (12.5) subtracted from one multiplied by one and one-quarter percent (1.25%) is the reduction from eight and one-quarter percent (8.25%). An example of the calculation of the minimum return for the supplemental pension distribution as described in this paragraph is set forth in the collective bargaining agreement between the City of West Palm Beach and the Police Benevolent Association, Certified Unit No. 145 and Certified Unit No. 825, October 1, 1998-September 30, 2001.

~~1. Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of credited service, not to exceed 26 years, plus 1 percent of final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of 26 years; or~~

~~2. The sum of the following:~~

~~a. Two and one-half percent of his or her final average salary multiplied by the number of years, and fraction of a year, of credited service earned through September 30, 1988; and~~

~~b. Two percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned on and after October 1, 1988.~~

~~(d) Optional forms of retirement income.—~~

~~1.a. In the event of normal, or early, or disability retirement, in lieu of the normal form of retirement income payable as specified in paragraph (c), and in lieu of the death benefits as specified in subsection (17), a member, upon written request to the board and submission of evidence of good health (except that such evidence shall not be required if such request is made at least 3 years prior to the date of commencement of retirement income) and subject to the approval of the board, may elect to receive a retirement income of equivalent actuarial value payable in accordance with one of the following options:~~

~~(I) Lifetime option.—A retirement income of a larger monthly amount, payable to the member for his or her lifetime only.~~

~~(II) Joint and survivor option.—A retirement income of a modified monthly amount, payable to the member during the joint lifetime of the member and a dependent joint pensioner designated by the member, and following the death of either of them, 100 percent, 75 percent, 66 2/3 percent, or 50 percent of such monthly amounts, payable to the survivor for the lifetime of the survivor.~~

~~(e) Designation of beneficiary.—~~

~~1. Each member may, on a form provided for that purpose, signed and filed with the board, designate a beneficiary (or beneficiaries) to~~

receive the benefit, if any, which may be payable in the event of the member's death; and each designation may be revoked by such member by signing and filing with the board a new designation of beneficiary form. However, after the benefits have commenced, a retirant may change his or her designation of a joint annuitant or beneficiary only twice. If the retirant desires to change his or her joint annuitant or beneficiary, he or she shall file with the board a notarized notice of such change either by registered letter or on a form as provided by the board. Upon receipt of a completed change of joint annuitant form or such other notice, the board shall adjust the member's monthly benefit by the application of actuarial tables and calculations developed to ensure that the benefit paid is the actuarial equivalent of the present value of the member's current benefit.

2. Absence or death of beneficiary.—If a deceased member failed to name a beneficiary in the manner prescribed in subparagraph 1., or if the beneficiary (or beneficiaries) named by a deceased member predeceases the member, death benefits, if any, which may be payable under this act on behalf of such deceased member may be paid, in the discretion of the board, ~~to: in accordance with subsection (11)(g).~~

- a. *The spouse or dependent child or children of the member;*
- b. *The dependent living parent or parents of the member; or*
- c. *The estate of the member.*

Section 4. Paragraphs (b) through (e) of subsection (12) of section 16 of chapter 24981, Laws of Florida, 1947, as amended by chapters 93-373 and 99-483, Laws of Florida, are redesignated as paragraphs (c) through (f), respectively, and paragraph (a) of said subsection is amended to read:

(12) Supplemental pension distribution.—

(a) The Board of Trustees shall annually authorize a supplemental pension distribution, the amount of which shall be determined as of each September 30, *as applicable.*

1. *For employees who retired prior to October 1, 1999, the amount of the distribution shall be equal to the actuarial present value of future pension payments to current pensioners, multiplied by the positive difference, if any, between the rate of investment return (not to exceed nine percent (9%)) and seven percent (7%), plus one-half of any investment earnings over nine percent (9%).*

2. *For those employees who have more than twelve and one-half (12 1/2) years of service on and after October 1, 1999, or who are part of the DROP on or after October 1, 1999, the amount of the distribution shall be equal to the actuarial present value of future pension payments to those pensioners multiplied by the positive difference, if any, between the rate of investment return (not to exceed nine percent (9%)) and seven percent (7%) plus one-half of any investment earnings over nine percent (9%).*

3. ~~*For those employees who have less than twelve and one-half years of serve as of October 1, 1999, the amount of the distribution shall be equal to the actuarial present value of future pension payments to those pensioners multiplied by the positive difference, if any, between the rate of investment return (not to exceed nine percent (9%)) and eight and one-quarter percent (8.25%), plus one-half of any investment earnings over nine percent (9%). The amount of the distribution shall be equal to the actuarial present value of future pension payments to current pensioners, multiplied by the positive difference, if any, between the rate of investment return (not to exceed 9 percent) and 7 percent plus one-half of any investment earnings over 9 percent.*~~

(b) The actuary shall determine whether there may be a supplemental pension distribution based on the following factors:

1. The actuary for the pension fund shall determine the rate of investment return earned on the pension fund assets during the 12-month period ending each September 30. The rate determined shall be the rate reported in the most recent actuarial report submitted pursuant to part VII of chapter 112, Florida Statutes.

2. The actuary for the pension fund shall, as of September 30, determine the actuarial present value of future pension payments to current pensioners. The actuarial present values shall be calculated using an interest rate of 7 percent a year compounded annually and a mortality table as approved by the board of trustees and as used in the most recent actuarial report submitted pursuant to part VII of chapter 112, Florida Statutes.

3. The supplemental pension distribution amount shall not exceed accumulated net actuarial experience from all pension liabilities and assets. If the net actuarial experience is favorable, cumulatively, commencing with the experience for the year ended September 30, 1991, after offset for all prior supplemental distributions, the supplemental distribution may be made. If the net actuarial experience is unfavorable, cumulatively, commencing with the experience for the year ended September 30, 1991, after offset for all prior supplemental distributions, no supplemental distribution may be made, and the city must amortize the loss until it is offset by cumulative favorable experience.

If an actuarial report submitted as provided in this paragraph is not state accepted prior to distribution, and if a deficiency to the pension fund results, the deficiency shall be made up from the next available supplemental pension distribution, unless sooner made up by agreement between the board of trustees and the city. No such deficiency shall be permitted to continue for a period greater than 3 years from the date of payment of the supplemental *pension* distribution which resulted in the deficiency.

Section 5. Effective for share account distributions made for calendar year 1998 from chapter moneys received in July 1999, paragraph (a) of subsection (13) of section 16 of chapter 24981, Laws of Florida, 1947, as amended by chapters 93-373 and 99-483, Laws of Florida, is amended to read:

Section 16. West Palm Beach Police Pension Fund.—

(13) Deferred Retirement Option Plan (DROP).—

(a) Eligibility to participate in the DROP.—

1. Any member who is eligible to receive an early or normal retirement pension and who has either attained age 50, regardless of credited service, or completed between 25 and 30 years of credited service, may participate in the DROP. Members shall elect to participate by applying to the board of trustees on a form provided for that purpose.

2. Election to participate shall be forfeited if not exercised within the first 27 years of combined credited service. ~~However, participation in the first years of enactment will be extended to those members with 28 years of service in 1992.~~

3. A member shall not participate in the DROP beyond the time of attaining 30 years of service and the total years of participation in the DROP shall not exceed 5 years. For example:

a. Members with 25 years of credited service at time of entry shall participate for only 5 years.

b. Members with 26 years of credited service at time of entry shall participate for only 4 years.

c. Members with 27 years of credited service at time of entry shall participate for only 3 years.

4. Upon a member's election to participate in the DROP, he or she shall cease to be a member and shall no longer accrue any benefits under the pension fund, *except for the benefits provided under subsection (11), Chapter 185 share accounts.* For all fund purposes, the member becomes a retirant, *except that a DROP participant shall continue to receive shares of the chapter moneys in accordance with subsection (11), Chapter 185 share accounts.* The amount of credited service and final average salary shall freeze as of the date of entry into the DROP.

5. Notwithstanding any provision of this section to the contrary, the police chief of the department may, at his or her option, extend his or her participation in the DROP beyond 5 years or 30 years of total service.

For purposes of this subsection, "police chief" means a member who has been promoted from police officer through the ranks of the department to the position of police chief. Any such police chief shall not participate in the DROP beyond the attainment of 33 years of service, and the total years of participation in the DROP shall not exceed 8 years.

Section 6. Subparagraph 1. of paragraph (d) of subsection (16) of section 16 of chapter 24981, Laws of Florida, 1947, as amended by chapter 93-373, Laws of Florida, is amended to read:

Section 16. West Palm Beach Police Pension Fund.—

(16) Conditions applicable to all disability retirants.—

(d) Normal form of disability retirement income.—

1. Duty or nonduty disability with 10 years of service.

a. Married member.—The standard form of disability retirement benefit for a married member or for a member with dependent children or parents shall be a disability pension and death benefit. This form of benefit shall provide monthly payments for the life of the member as set forth in subsection (14) or subsection (15), as applicable, or the disability retiree may select optional forms of benefits in accordance with paragraph (9)(d). Thereafter, death benefits shall be paid as provided in subsection (17).

b. Nonmarried member.—The standard form of disability retirement benefit for a member who is not married or who does not have dependent children or parents shall be a 10-year certain benefit. This benefit shall pay monthly benefits for the member's lifetime. In the event the member dies after his or her retirement but before he or she has received disability retirement benefits for a period of 10 years, the same monthly benefit shall be paid to the beneficiary (or beneficiaries) as designated by the member for the balance of such 10-year period. *In the absence of a designated beneficiary, then the benefits will be paid to the estate of the retiree.*

Section 7. Subparagraph 1. of paragraph (a) of subsection (19) of section 16 of chapter 24981, Florida Statutes, 1947, as amended by chapter 93-373, Laws of Florida, is amended to read:

(19) Member's contributions; refunds.—

(a) Member's contributions.—

1. The member shall contribute ~~76.45~~ percent of his or her salary to the fund.

Section 8. Paragraph (d) is added to subsection (33) of section 16 of chapter 24981, Florida Statutes, 1947, as renumbered by chapters 95-478 and 99-483, Laws of Florida, to read:

Section 16. Palm Beach Pension Fund.—

(33) Miscellaneous requirements.—

(d) *False or misleading statements made to obtain retirement benefits prohibited.*—

1. *It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement or to withhold or conceal material information to obtain any benefit under this plan.*

2.a. *A person who violates subparagraph 1. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.*

b. *In addition to any applicable criminal penalty, upon conviction for a violation described in subparagraph 1., a participant or beneficiary of this plan may, in the discretion of the board of trustees, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under this plan. For purposes of this subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.*

Section 9. Subsection (34) is added to section 16 of chapter 24981, Laws of Florida, 1947, as amended by chapters 95-478 and 99-483, Laws of Florida, to read:

(34) *Actuarial assumptions.*—*The following actuarial assumptions shall be used for all purposes in connection with this fund, effective October 1, 1999:*

(a) *The assumed investment rate of return shall be eight and one-quarter percent (8.25%); and*

(b) *The period for amortizing current, future, and past actuarial gains or losses shall be 20 years.*

The consequences of the change in assumptions in paragraphs (a) and (b) shall first take effect during the October 1, 1999-September 30, 2000, fiscal year of the City of West Palm Beach. To the extent that effective dates or legislative delays might influence the direct application to the October 1, 1999-September 30, 2000, fiscal year of the actuarial cost estimate dated March 24, 2000, there shall be a minimum contribution reserve established by the pension fund for the City of West Palm Beach. The reserve will be credited with any amounts contributed to the pension fund by the City of West Palm Beach during the October 1, 1999-September 30, 2000, fiscal year in excess of \$1,462,965. This amount has been determined by combining the contribution requirement from the September 30, 1998, actuarial valuation report dated May 7, 1999, with the subsequent actuarial cost estimate dated March 24, 2000, both of which were prepared by the fund's actuary.

Section 10. *All special laws and parts of special laws, ordinances, or regulations, insofar as they are in conflict or inconsistent with the provisions of this act, are repealed.*

Section 11. This act shall take effect upon becoming a law.

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 the City of West Palm Beach, Palm Beach County; amending chapter 24981, Laws of Florida, 1947, as amended; revising language with respect to the West Palm Beach Police Pension Fund; revising language relating to early retirement; revising the provisions regarding optional forms of retirement income; revising the beneficiary provisions; revising the disability provisions; providing for a definition of the actuarial equivalent value; providing for retirement pension calculations; providing for supplemental pension distributions; providing for actuarial assumptions; adding language imposing penalties for false or misleading statements to obtain benefits; providing for retroactive effect; providing an effective date.

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 289—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 070603)

Amendment 1—On page 3, line 29, of the bill after the word "or" insert: *shall raise*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 2085—A bill to be entitled An act relating to controlled substances; amending s. 893.02, F.S.; defining the term “mixture” for purposes of ch. 893, F.S.; amending s. 893.03, F.S.; deleting Dronabinol from the substances listed under Schedule II; adding Dronabinol to the controlled substances listed in Schedule III; adding 1,4-Butanediol to the controlled substances listed under Schedule II; deleting certain mixtures containing hydrocodone from the substances listed under Schedule III; amending s. 893.13, F.S.; providing enhanced penalties for the sale, manufacture, or possession of methamphetamine; providing enhanced penalties for possessing methamphetamine within a specified distance of a school, park, or public housing facility; providing enhanced penalties for purchasing or using a minor to sell or deliver methamphetamine; amending s. 893.135, F.S.; revising certain penalties imposed for trafficking in controlled substances; deleting certain provisions requiring that an offender be sentenced under the Criminal Punishment Code; prohibiting the sale, purchase, manufacture, or delivery of gamma-hydroxybutyric acid (GHB); providing penalties; prohibiting the sale, purchase, manufacture, or delivery of 1,4-Butanediol; providing penalties; prohibiting the sale, purchase, manufacture, or delivery of various drugs known as “Phenethylamines”; providing penalties; amending s. 775.087, F.S.; including the offenses of trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, and trafficking in Phenethylamines within provisions that impose enhanced penalties for offenses committed while possessing a firearm, destructive device, semiautomatic firearm, or machine gun; amending s. 893.145, F.S.; including certain objects used for unlawfully inhaling or introducing nitrous oxide into the human body within the definition of the term “drug paraphernalia”; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; amending s. 948.034, F.S.; deleting provisions authorizing the court to sentence an offender convicted of specified repeat felony drug offenses to a term of probation in lieu of imprisonment; reenacting ss. 39.01(30)(a) and (g), 316.193(5), and 327.35(5), F.S., relating to harm to a child and driving or boating under the influence, to incorporate the amendment to s. 893.03, F.S., in references thereto; reenacting ss. 397.451(7) and 414.095(1), F.S., relating to background checks and eligibility for the WAGES Program, to incorporate the amendments to s. 893.135, F.S., in references thereto; reenacting s. 440.102(11)(b), F.S., relating to the drug-free workplace program, to incorporate the amendment to s. 893.03, F.S., in references thereto; reenacting ss. 772.12(2), 782.04(1)(a), (3), and (4), F.S., relating to the Drug Dealer Liability Act and the offense of murder, to incorporate the amendments to s. 893.135, F.S., in references thereto; reenacting ss. 817.563, 831.31, 856.015(1)(d), 893.0356(2)(a) and (5), 893.12(2)(b), (c), and (d), F.S., relating to the sale of counterfeit controlled substances, open house parties, controlled substance analogs, and the seizure and forfeiture of contraband, to incorporate the amendment to s. 893.03, F.S., in references thereto; reenacting ss. 893.1351(1), 903.133, 907.041(4)(b), 921.0024(1)(b), 921.142(2), 943.0585, 943.059, F.S., relating to trafficking offenses, bail, pretrial detention and release, the Criminal Punishment Code worksheet, capital trafficking offenses, and expunction and sealing of criminal history records, to incorporate the amendments to s. 893.135, F.S., in references thereto; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 1759—A bill to be entitled An act relating to classification and placement of juveniles; amending s. 985.03, F.S.; revising definitions relating to restrictiveness levels; amending s. 985.21, F.S.; providing additional intake screening requirements; amending s. 985.215, F.S.; providing for a special detention order to allow comprehensive evaluation upon a finding of delinquency; amending s. 985.224, F.S.; providing for court-ordered educational needs assessments for certain children under certain circumstances; amending s. 985.229, F.S.; authorizing a predispositional report upon a finding of delinquency; requiring a predispositional report for a child for whom residential commitment disposition is anticipated or recommended; authorizing said predispositional report to include a comprehensive evaluation;

providing a time certain for the submission of the predispositional report; specifying parties who may receive copies of the predispositional report; amending s. 985.23, F.S.; requiring the court to consider recommendations of the Department of Juvenile Justice at disposition; requiring the court to state for the record reasons for deviating from the recommendations of the department; allowing the court to make treatment recommendations to the department; amending s. 985.231, F.S.; providing that the child’s length of stay in a residential commitment program shall be based on objective performance-based treatment planning; requiring monthly progress reports to the court; authorizing extension of the child’s length of stay if the child fails to comply with or participate in treatment activities; prohibiting extension of the child’s length of stay for purposes of sanction or punishment; requiring any temporary release to be approved by the court; requiring communication to the court of the child’s treatment plan progress and adjustment-related issues upon request to release the child; amending s. 985.404, F.S.; requiring notice of intent to transfer a child from a commitment facility or program; creating a workgroup to make recommendations for a system of classification and placement; providing minimum considerations; providing minimum membership; providing for testing and validation of the system; providing for a report to the Governor and Legislature; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice Appropriations offered the following:

(Amendment Bar Code: 312221)

Amendment 1 (with title amendment)—On page 11, line 22 remove from the bill: may

and insert in lieu thereof: shall

And the title is amended as follows:

On page 1, line 18
remove from the title of the bill: authorizing

and insert in lieu thereof: requiring

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

The Committee on Criminal Justice Appropriations offered the following:

(Amendment Bar Code: 193549)

Amendment 2 (with title amendment)—On page 10, lines 1-27 remove from the bill: all of said lines

(Renumber subsequent sections)

And the title is amended as follows:

On page 1, lines 10 through 13
remove from the title of the bill: amending s. 985.244, F.S.; providing for court-ordered educational needs assessments for certain children under certain circumstances;

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

The Committee on Criminal Justice Appropriations offered the following:

(Amendment Bar Code: 401429)

Amendment 3—On page 4, line 9 of the bill

after the words “environmentally secure” insert: , are staff secure,

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

Representative(s) Merchant offered the following:

(Amendment Bar Code: 790257)

Amendment 4 (with directory language and title amendments)—On page 3, before line 1

insert:

(13) "Community control" means the legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act. Community control is an individualized program in which the freedom of the child is limited and the child is restricted to noninstitutional quarters or restricted to the child's home in lieu of commitment to the custody of the Department of Juvenile Justice. *Youth on probation may be assessed and classified for placement in a day treatment probation program, which is a more intensive and structured probation option designed for youth who do not require placement and services in a residential setting and who represent a minimum risk to themselves and to public safety. Day treatment probation program types include: vocational programs, marine programs, juvenile justice alternative schools, training and rehabilitation programs, and gender specific programs.*

And the directory language is amended as follows:

On page 2, lines 27 through 28
remove: all of said lines

and insert in lieu thereof:

Section 1. Subsections (13) and (47) of section 985.03, Florida Statutes are amended to read:

And the title is amended as follows:

On page 1, line 4

after the word "to" insert: community control and

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

Representative(s) Merchant offered the following:

(Amendment Bar Code: 871929)

Amendment 5 (with directory language and title amendments)—On page 13, between lines 21 and 22

insert:

(4) If the court determines not to adjudicate and commit to the department, then the court shall determine what community-based sanctions it will impose in a community control program for the child. Community-based sanctions may include, but are not limited to, participation in substance abuse treatment, a *probation day treatment program*, restitution in money or in kind, a curfew, revocation or suspension of the driver's license of the child, community service, and appropriate educational programs as determined by the district school board.

(5) After appropriate sanctions for the offense are determined, the court shall develop, approve, and order a plan of community control which will contain rules, requirements, conditions, and rehabilitative programs, *including the option of probation day treatment*, that are designed to encourage responsible and acceptable behavior and to promote both the rehabilitation of the child and the protection of the community.

And the directory language is amended as follows:

On page 12, line 10
remove: "Subsection (2)"

and insert in lieu thereof: Subsections (2), (4), and (5)

And the title is amended as follows:

On page 1, line 26

after the word "disposition;" insert: authorizing probation day treatment as a community-based sanction; authorizing probation day treatment as part of a community control plan;

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

Representative(s) Merchant offered the following:

(Amendment Bar Code: 830237)

Amendment 6 (with title amendment)—On page 16, between lines 20 and 21 of the bill

insert:

Section 9. Youth Custody Officer.—

(1) *There is created within the Department of Juvenile Justice the position of youth custody officer. The purpose of the youth custody officer is to take youth into custody if the officer has probable cause to believe that the youth has violated the conditions of probation, home detention, conditional release or post-commitment probation, or has probable cause to believe that the youth has failed to appear in court, after being properly noticed. The authority of youth custody officers to take youth into custody is specifically limited to this purpose.*

(2) *A youth custody officer shall meet the minimum qualifications for employment or appointment and be certified pursuant to chapter 943, and shall maintain the requirements for continued employment required by s. 943.135. The Department of Juvenile Justice must comply with the responsibilities provided for an employing agency under s. 943.133 for each youth custody officer.*

(3) *Youth custody officers shall keep appropriate local law enforcement agencies apprised of their activities under this section.*

(Renumber subsequent sections)

And the title is amended as follows:

On page 2, line 22

after the word "Legislature;" insert: creating the position of youth custody officer within the Department of Juvenile Justice; specifying minimum qualifications for youth custody officers;

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

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 585863)

Amendment 7 (with title amendment)—On page 13, between lines 21 through 22, of the bill

insert: (h) *The child's educational status, including, but not limited to, the child's strengths, abilities, and unmet and special educational needs. The report shall identify appropriate educational and vocational goals for the child. Examples of appropriate goals include:*

1. *Attainment of a high school diploma or its equivalent.*
2. *Successful completion of literacy course(s).*
3. *Successful completion of vocational course(s).*
4. *Successful attendance and completion of the child's current grade if enrolled in school.*
5. *Enrollment in an apprenticeship or a similar program.*

And the title is amended as follows:

On page 1, line 26

after the word "disposition;" insert: requiring the predisposition report to address the child's educational status;

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

Representative(s) Merchant offered the following:

(Amendment Bar Code: 825575)

Amendment 8 (with title amendment)—On page 13, lines 23 through 25

remove from the bill: all of said lines

and insert in lieu thereof: *At the*

And the title is amended as follows:

On page 1, lines 27 through 29

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

and insert in lieu thereof: allowing the court to make

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

Representative(s) Merchant offered the following:

(Amendment Bar Code: 982715)

Amendment 9 (with title amendment)—On page 2, between lines 26 and 27 of the bill

insert:

Section 1. Subsections (27), (45), and (48) of section 984.03, Florida Statutes, are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(27) “Family in need of services” means a family that has a child *who is running away; who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency.* The child must ~~be also have been~~ referred to a law enforcement agency, ~~or~~ the Department of Juvenile Justice, ~~or an agency contracted to provide services to children in need of services. A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the Department of Juvenile Justice or the Department of Children and Family Services due to an adjudication of dependency or delinquency. ~~for~~~~

(a) ~~Running away from parents or legal custodians;~~

(b) ~~Persistently disobeying reasonable and lawful demands of parents or legal custodians and being beyond their control; or~~

(c) ~~Habitual truancy from school.~~

(45) “Preventive services” means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in *an adjudication that orders the placement of a child into in foster care or into the delinquency system or that will or could result in the child living on the street.* Social services and other supportive and rehabilitative services *may include the provision of assessment and screening services; individual, group, or family counseling; specialized educational and vocational services; temporary shelter for the child; outreach services for children living on the street; independent living services to assist adolescents in achieving a successful transition to adulthood; and other specialized services shall promote the child’s need for a safe, continuous, stable, living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible.*

(48) “Reunification services” means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child, whichever is applicable; the child; and, where appropriate, the foster

parents of the child for the purpose of enabling a child who has been placed in *temporary shelter foster* care to return to his or her family at the earliest possible time. Social services and other supportive and rehabilitative services shall *be consistent with promote* the child’s need for a safe, continuous, *and* stable, living environment and shall promote *the strengthening of family autonomy and strengthen* family life as a ~~first priority~~ whenever possible.

(Renumber subsequent sections)

And the title is amended as follows:

On page 1, line 3

after the word “juveniles;” insert: amending s. 984.03, F.S.; revising definitions for purposes of ch. 984, F.S., relating to children and families in need of services;

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

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 273401)

Amendment 10—On page 3, line 22, after “*may*”

insert: *not*

Rep. Barreiro moved the adoption of the amendment.

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 101593)

Substitute Amendment 10—On page 3, lines 21 through 23 after the word “community.” remove from the bill: *The department may elect to require a facility to provide 24-hour awake supervision of residents.*

Rep. Barreiro moved the adoption of the substitute amendment.

On motion by Rep. Merchant, further consideration of **HB 1759**, with pending amendments, was temporarily postponed under Rule 141.

HB 1993—A bill to be entitled An act creating the Task Force on the Availability and Affordability of Long-term Care; providing for membership and duties; providing for staff and expenses; requiring a report; providing for the expiration of the task force; providing an appropriation; providing an effective date.

—was taken up, having been read the second time, and amended, earlier today; now pending on motion by Rep. Russell to adopt Amendment 2.

The question recurred on the adoption of **Amendment 2**.

Representative(s) Wasserman Schultz offered the following:

(Amendment Bar Code: 594931)

Amendment 1 to Amendment 2—On page 2, line 20,

insert:

(p) *A nurse, appointed by the Florida Nurses Association.*

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

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

Motion

On motion by Rep. Arnall, the rules were suspended to allow the House, upon completion of the afternoon Special Order Calendar for April 27, to return to the unfinished portion of the morning Special Order Calendar for April 27.

Special Orders

Bills for Consideration at a Time Certain

CS/HB 149—A bill to be entitled An act relating to health maintenance organizations; amending ss. 641.31, 641.315, and 641.3155, F.S.; prohibiting a health maintenance organization from restricting a provider’s ability to provide inpatient hospital services to a subscriber; requiring payment for medically necessary inpatient hospital services; providing for the applicability of the provisions of the act; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 094353)

Amendment 1 (with title amendment)—On page 2, lines 15 through 17, remove from the bill: all of said lines

And the title is amended as follows:

On page 1, lines 9 and 10, remove from the title of the bill: all of said lines

and insert in lieu thereof: hospital services;

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

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 725209)

Amendment 2—On page 1, lines 19 through 21, remove from the bill: all of said lines

and insert in lieu thereof: *not prohibit or restrict a subscriber from receiving inpatient services in a contracted hospital from a contracted primary care or admitting physician if such services are*

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

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 543617)

Amendment 3—On page 2, line 18, remove from the bill: all of said line

and insert in lieu thereof:

Section 5. This act shall take effect July 1, 2000, and shall apply to provider contracts entered into or renewed on or after that date.

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

Representative(s) Villalobos offered the following:

(Amendment Bar Code: 923587)

Amendment 4 (with title amendment)—On page 2, line 14, remove from the bill: all of said line

and insert in lieu thereof: *contract holder; provided, however, that the physician shall not be reimbursed twice for the same service.*

And the title is amended as follows:

On page 1, line 9,

after the semicolon insert: providing a limitation;

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

Representative(s) Bloom offered the following:

(Amendment Bar Code: 905973)

Amendment 5 (with title amendment)—On page 2, between lines 17 and 18, of the bill

insert:

Section 5. Section 790.146, Florida Statutes, is created to read:

790.146 Crimes in health care facilities; possession of weapons; penalties.—

(1) Unless otherwise provided by law, any person who is willfully in possession of a concealed “firearm,” as defined in s. 790.001(6), or a “destructive device,” as defined in s. 790.001(4), within the premises of a “health care provider,” as defined in s. 408.701(13), is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The provisions of this section do not apply:

(a) To any law enforcement officer;

(b) To any person employed and authorized by the owner, operator, or manager of a health care provider to carry a firearm or destructive device on such premises; or

(c) To any person licensed to carry a concealed weapon.

And the title is amended as follows:

On page 1, line 10

after the semicolon insert: creating s. 790.146, F.S.; providing penalties for the possession of a firearm or destructive device within the premises of a health care provider; providing exceptions;

Rep. Bloom moved the adoption of the amendment.

Point of Order

Rep. Villalobos raised a point of order that the amendment by Rep. Bloom was out of order under Rule 146 because it incorporated the principal substance of HB 1881, which had received an unfavorable report by the Committee on Law Enforcement & Crime Prevention.

Subsequently, **Amendment 5** was withdrawn.

Representative(s) Bloom offered the following:

(Amendment Bar Code: 293255)

Amendment 6 (with title amendment)—On page 2, between lines 17 and 18, of the bill

insert:

Section 5. Section 790.146, Florida Statutes, is created to read:

790.146 Crimes in health care facilities; possession of weapons; penalties.—

(1) Unless otherwise provided by law, any person who is willfully in possession of a concealed “firearm,” as defined in s. 790.001(6), or a “destructive device,” as defined in s. 790.001(4), within the premises of a “health care provider,” as defined in s. 408.701(13), is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The provisions of this section do not apply:

(a) To any law enforcement officer;

(b) To any person employed and authorized by the owner, operator, or manager of a health care provider to carry a firearm or destructive device on such premises; or

And the title is amended as follows:

On page 1, line 10

after the semicolon insert: creating s. 790.146, F.S.; providing penalties for the possession of a firearm or destructive device within the premises of a health care provider; providing exceptions;

Rep. Bloom moved the adoption of the amendment.

Point of Order

Rep. Villalobos raised a point of order that the amendment by Rep. Bloom was out of order under Rule 146 because it incorporated the principal substance of another bill.

The Chair [Speaker Thrasher] referred the point to the Chair of the Committee on Rules & Calendar.

Pending a ruling, further consideration of the bill, with pending amendment, was temporarily postponed under Rule 141.

HB 2053—A bill to be entitled An act relating to electronic procurement; amending s. 287.012, F.S.; revising certain definitions to include bids or proposals transmitted or received by electronic means; amending s. 287.042, F.S.; requiring the Department of Management Services to consult with the State Technology Office on joint agreements involving the purchase of information technology resources; amending s. 287.057, F.S.; authorizing the State Technology Office to purchase or authorize certain purchases by negotiation under certain circumstances; requiring the office to develop a program for on-line auctions for procurement of commodities and contractual services; providing a limitation; authorizing the office to contract for certain equipment and services; authorizing the office to adopt rules for certain purposes; providing an effective date.

—was read the second time by title.

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 785981)

Amendment 1 (with directory language and title amendments)—On page 3, line 22 through page 4, line 2 remove from the bill: all said lines

And the directory language is amended as follows:

On page 3, lines 17-19
remove: all said lines

and insert in lieu thereof:

Section 3. Subsection (22) is added to section 287.057, Florida Statutes, to read:

And the title is amended as follows:

On page 1, lines 11-14
remove from the title of the bill: all of said lines

and insert in lieu thereof: 287.057, F.S., requiring the office to develop

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

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 525011)

Amendment 2—On page 4, lines 8, 10, 13, 18 and 22,
remove from the bill: *auctions*

and insert in lieu thereof: *procurement*

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

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 231313)

Amendment 3 (with title amendment)—On page 4, line 4
remove from the bill: *auctions for*

And the title is amended as follows:

On page 1, line 15,
remove from the title of the bill: *auctions for*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 825—A bill to be entitled An act relating to postsecondary linkage institutes; amending s. 288.8175, F.S.; transferring responsibility for linkage institutes between postsecondary institutions and foreign countries from the Department of Education to the Department of State; correcting cross references; providing an effective date.

—was read the second time by title.

The Committee on Transportation & Economic Development Appropriations offered the following:

(Amendment Bar Code: 041995)

Amendment 1 (with title amendment)—On page 4, line 31 and page 5, line 1,
remove from the bill: *must*

and insert in lieu thereof: *may must*

And the title is amended as follows:

On page 1, line 8, after the semicolon,

insert: *modifying appropriations requirements;*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Farkas, **HB 687** was temporarily postponed under Rule 141 and the second reading nullified.

HB 2319—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising the definition of the term "rural hospital"; amending s. 409.9116, F.S.; revising eligibility for funding under the disproportionate share/financial assistance program for rural hospitals; providing an effective date.

—was read the second time by title.

Representative(s) Peaden offered the following:

(Amendment Bar Code: 923419)

Amendment 1—On page 4, line 29,
remove from the bill: *hospital which*

and insert in lieu thereof: *hospital, which*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 527—A bill to be entitled An act relating to insurance; creating s. 627.5015, F.S.; prohibiting delivery or issuance of industrial life insurance policies after a certain date; providing application; requiring disclosure of certain information to policyholders or premium payors; amending s. 627.5045, F.S.; deleting an application exception from certain secondary notice requirements; providing an effective date.

—was read the second time by title.

The Committee on Insurance offered the following:

(Amendment Bar Code: 643591)

Amendment 1 (with title amendment)—On page 1, line 29 through page 2, line 22
remove from the bill: all of said lines

And the title is amended as follows:

On page 1, lines 7-10
remove from the title of the bill: all of said lines

and insert in lieu thereof: policyholders or premium payors; providing an effective date.

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

Representative(s) Arnall offered the following:

(Amendment Bar Code: 724559)

Amendment 2 (with title amendment)—On page 1, lines 14-28, remove from the bill: all of said lines,

and insert in lieu thereof:

Section 1. *Industrial life insurance; application; disclosure.*—

(1) *Each policy of industrial life insurance in effect before October 1, 2000, is subject to all applicable provisions of the Florida Insurance Code and rules adopted under the code.*

(2) *Upon receipt of a written request no later than January 1, 2001, each insurer that currently collects premiums in this state for a policy of industrial life insurance must disclose, on or before March 2001, to the policyholder or premium payor the total amount of premiums paid, the cash value, and the amount of the death benefits payable under the policy. The insurer shall deliver a form to the premium payor or policyholder to request the disclosure on or before November 1, 2000.*

And the title is amended as follows:

On page 1, lines 2-7,
remove from the title of the bill: all of said lines,

and insert in lieu thereof: An act relating to insurance; subjecting certain industrial life insurance policies to the Florida Insurance Code and rules adopted under the code; requiring insurers to disclose certain information to policyholders or premium payors by a specified date under certain circumstances;

Rep. Arnall moved the adoption of the amendment, which was adopted. The vote was:

Session Vote Sequence: 277

Yeas—64

The Chair	Constantine	Harrington	Murman
Albright	Crady	Hart	Patterson
Andrews	Crow	Johnson	Peaden
Argenio	Detert	Jones	Posey
Argenziano	Diaz de la Portilla, R.	Kelly	Prieguez
Arnall	Farkas	Kilmer	Pruitt
Bainter	Fasano	Kyle	Rojas
Ball	Feeney	Lacasa	Rubio
Barreiro	Fiorentino	Littlefield	Sembler
Bense	Flanagan	Lynn	Smith, K.
Bilirakis	Fuller	Maygarden	Spratt
Bitner	Garcia	Melvin	Tullis
Bradley	Gay	Merchant	Villalobos
Bronson	Goode	Miller, J.	Wallace
Brummer	Goodlette	Minton	Waters
Cantens	Green, C.	Morroni	Wise

Nays—45

Betancourt	Bush	Effman	Greenstein
Bloom	Casey	Eggelletion	Hafner
Boyd	Chestnut	Frankel	Henriquez
Brown	Cosgrove	Futch	Heyman
Bucher	Crist	Gottlieb	Hill
Bullard	Edwards	Greene, A.	Jacobs

Kosmas	Ritchie	Sobel	Wasserman Schultz
Lawson	Ritter	Stafford	Wiles
Levine	Roberts	Stansel	Wilson
Logan	Ryan	Suarez	
Miller, L.	Sanderson	Trovillion	
Reddick	Smith, C.	Turnbull	

Votes after roll call:

Nays to Yeas—Sanderson

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 149—A bill to be entitled An act relating to health maintenance organizations; amending ss. 641.31, 641.315, and 641.3155, F.S.; prohibiting a health maintenance organization from restricting a provider's ability to provide inpatient hospital services to a subscriber; requiring payment for medically necessary inpatient hospital services; providing for the applicability of the provisions of the act; providing an effective date.

—was taken up, having been read the second time, and amended, earlier today; now pending on point of order by Rep. Villalobos, under Rule 146, on Amendment 6 by Rep. Bloom.

Subsequently, Rep. Villalobos withdrew the point of order.

The question recurred on the adoption of **Amendment 6**, which was withdrawn.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 1885—A bill to be entitled An act relating to ad valorem taxation; creating s. 192.0105, F.S.; creating the Florida Taxpayer's Bill of Rights for property taxes and assessments, which compiles taxpayer rights as found in the Florida Statutes and rules of the Department of Revenue, including the right to know, the right to due process, the right to redress, and the right to confidentiality; providing an effective date.

—was read the second time by title.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 161941)

Amendment 1—On page 5, lines 29 & 30 remove from the bill: object and testify

and insert in lieu thereof: *provide written objections and to provide testimony*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 255—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for diapers and incontinence undergarments; providing an appropriation; providing for repeal; providing effective dates.

—was read the second time by title.

Representative(s) Brown offered the following:

(Amendment Bar Code: 331671)

Amendment 1—On page 1, line 20, remove from the bill:

after *diapers* insert: *sanitary napkins, tampons*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 1849—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an

exemption for child restraint systems for use in motor vehicles; providing for repeal; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

CS/CS/HB 725—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 212.20, F.S.; providing for an annual distribution of sales and use tax proceeds to the counties in lieu of funds distributed under s. 550.135, F.S.; providing for existing obligations and bonded indebtedness; amending s. 550.135, F.S.; eliminating distribution of funds from the Pari-mutuel Wagering Trust Fund to the counties; amending s. 550.0951, F.S.; providing that the daily license fee tax credit provided by said section and the \$360,000 or \$500,000 tax exemption provided by s. 550.0951(1), F.S., may be applied to any tax and daily license fees imposed under ch. 550, F.S.; removing restrictions on the transfer of the daily license fee tax credit by greyhound permitholders; authorizing transfer of the \$360,000 or \$500,000 tax exemption by a greyhound permitholder to a greyhound permitholder that acts as host track to such permitholder for intertrack wagering; providing for repayment; providing for rules; reducing the taxes on handle for greyhound dogracing, for intertrack wagering when the host track is a dog track, and for intertrack wagers accepted by certain dog tracks; providing exceptions; removing the additional tax on the surcharge on winning tickets; specifying the rate of the tax on handle for greyhound simulcast races received from outside the United States; eliminating deposit into the General Revenue Fund of a portion of the admission tax, tax on handle, and breaks tax imposed under said section; amending s. 550.09514, F.S.; revising application and administration of the \$360,000 or \$500,000 tax exemption provided by said section; providing for payment of additional purses by greyhound permitholders in an amount equal to a percentage of the tax reduction resulting from the reduction of the taxes on handle; providing requirements with respect thereto; providing for audits; amending s. 550.09515, F.S.; providing for deposit of the tax on handle for certain intertrack wagering on certain horseracing in the Pari-mutuel Wagering Trust Fund rather than the General Revenue Fund; creating s. 550.1647, F.S.; authorizing a credit against taxes imposed under ch. 550, F.S., for unclaimed ticket amounts that are remitted to the state by greyhound permitholders; providing for payments to organizations that promote the adoption of greyhounds; providing for retention of breaks by greyhound permitholders; amending ss. 288.1169 and 849.086, F.S.; correcting references; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 2433—A bill to be entitled An act relating to taxation; amending s. 95.091, F.S.; specifying the time period within which the Department of Revenue and Department of Business and Professional Regulation may determine and assess the amount of certain taxes, penalties, or interest due beginning July 1, 2002; correcting a reference; amending s. 106.265, F.S.; providing that the Florida Elections Commission, rather than the Department of Revenue, shall have responsibility for collecting civil penalties for violation of chapter 104 or chapter 106, F.S.; amending ss. 175.111 and 185.09, F.S.; removing a requirement that insurers subject to a premium tax for a municipal or special district firefighter pension plan or a municipal police pension plan file an annual premium receipt report with the Division of Retirement; amending s. 213.053, F.S.; authorizing the Department of Revenue to share information regarding such reports with the Department of Management Services, and to share certain identifying information with the Department of Highway Safety and Motor Vehicles; creating s. 189.420, F.S.; providing requirements with respect to special district assessments on facilities regulated under ch. 513, F.S.; amending s. 195.027, F.S.; directing the Department of Revenue to adopt rules providing standards for valuing a utility's operating property and providing requirements with respect thereto; providing that appraisals that adhere to such standards are entitled to a presumption of correctness; amending s. 203.01, F.S.; authorizing the department to require quarterly, semiannual, or annual returns for the tax on gross receipts for utility services under certain conditions; amending ss. 206.09 and 206.095, F.S.; authorizing the department to suspend a requirement for certain reports from carriers

transporting, or terminal operators handling, motor fuel and similar products, under certain conditions; amending s. 212.051, F.S.; including specialty chemicals and bioaugmentation products within the sales tax exemption for equipment and machinery used for pollution control in connection with the manufacture of items of tangible personal property for sale; providing definitions; amending s. 212.06, F.S.; clarifying language with respect to the exemption from the indexed tax on manufactured asphalt for asphalt used for government public works projects; specifying that the exemption includes federal projects; amending s. 212.08, F.S.; revising application of the exemption for portable containers used for processing farm products; providing conditions under which the full sales tax exemption for machinery and equipment used to produce electrical or steam energy will apply when both residual and nonresidual fuels are used; revising application of the sales tax exemption for repair and labor charges for certain industrial machinery and equipment; providing intent; amending s. 212.11, F.S.; authorizing the department to allow a sales tax dealer to continue to use a filing frequency when the dealer exceeds the maximum tax for that frequency, under certain conditions; amending s. 212.12, F.S.; revising provisions which authorize the department to sample a dealer's records when such records are adequate but voluminous, in order to determine the dealer's tax liability; providing that overpayments and deficiencies shall be projected over the entire audit period, and the tax deficiency reduced or refund made as necessary; providing intent; amending s. 213.015, F.S.; specifying additional taxpayer rights with respect to treatment by department personnel and explanation of the reason for audit selection; amending s. 213.21, F.S.; providing conditions under which a taxpayer's liability may be compromised when the taxpayer establishes reasonable reliance on written advice issued by the department; providing application; repealing s. 213.235(6), F.S., which relates to application of the annual rate of interest applicable to tax payment deficiencies as determined under said section; amending s. 213.27, F.S.; authorizing the department to contract with public or private vendors to develop and implement a voluntary system for sales and use tax collection and administration; providing for compensation; requiring reports; providing for application of provisions of chapter 212, F.S., to system users; providing for maintenance of confidentiality of certain information; providing a penalty; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; amending s. 220.62, F.S.; including savings association holding companies registered under the Homeowners' Loan Act within the definition of "savings association" for purposes of the franchise tax on banks and savings associations; providing that s. 1 of ch. 98-187, Laws of Florida, which amends s. 201.09, F.S., to provide liability for the excise tax on documents when a renewal note increases the unpaid balance or the original face amount of the original contract and obligation, applies retroactively to certain term obligations; directing the Division of Retirement to adjust a municipality's 1997 base year revenue for purposes of its own pension plan for firefighters or police officers based on specified information; authorizing the department to provide data to the division; providing that, for a specified period, persons classified under SIC Industry Group Number 212 who paid tax under ch. 212, F.S., on certain charges for steam or electrical energy entitled to exemption are entitled to a refund, and that such persons who did not pay the tax are not required to pay the tax, penalty, or interest; providing effective dates.

—was read the second time by title.

Representative(s) Kelly offered the following:

(Amendment Bar Code: 885481)

Amendment 1 (with title amendment)—On page 7, between lines 3 and 4 of the bill

insert:

Section 3. Subsection (1) of section 166.231, Florida Statutes, is amended, to read:

166.231 Municipalities; public service tax.—

(1)(a) A municipality may levy a tax on the purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled,

manufactured gas either metered or bottled, and water service. *Except for those municipalities in which (c) applies*, the tax shall be levied only upon purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service. Municipalities imposing a tax on the purchase of cable television service as of May 4, 1977, may continue to levy such tax to the extent necessary to meet all obligations to or for the benefit of holders of bonds or certificates which were issued prior to May 4, 1977. Purchase of electricity means the purchase of electric power by a person who will consume it within the municipality.

(b) The tax imposed by paragraph (a) shall not be applied against any fuel adjustment charge, and such charge shall be separately stated on each bill. The term "fuel adjustment charge" means all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to October 1, 1973.

(c) *The tax in paragraph (a) on water service may be applied outside municipal boundaries to property included in a development of regional impact approved pursuant to s. 380.06, if agreed to in writing by the development of such property and the municipality prior to March 31, 2000, if a tax levied pursuant to the subsection is challenged, recovery, if any, shall be limited to monies paid into an escrow account of the clerk of the court subsequent to such challenge.*

And the title is amended as follows:

On page 1, line 14,
remove from the bill: all of said line

and insert in lieu thereof: F.S.; amending s. 166.231(1), F.S.; to allow a municipality to levy tax on water service outside municipal boundaries if an agreement is reached by specific date; amending ss. 175.111 and 185.09, F.S.;

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

Representative(s) Albright offered the following:

(Amendment Bar Code: 050369)

Amendment 2 (with title amendment)—On page 35, between lines 7 and 8, of the bill

insert:

Section 25. *Notwithstanding the provisions of s. 199.052(10), Florida Statutes, failure to timely file a consolidated return for any one or more years shall not prejudice the taxpayer's right to file a consolidated return if the consolidated return is filed prior to July 31, 2000, and the affiliated group of corporations of which the taxpayer is a member has previously filed consolidated returns for corporate income tax purposes under s. 220.131, Florida Statutes.*

And the title is amended as follows:

On page 5, line 5,

after the semicolon insert: providing that failure to timely file a consolidated return for intangible personal property tax for any one or more years shall not prejudice a taxpayer's right to file a consolidated return under certain conditions;

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

Representative(s) Albright offered the following:

(Amendment Bar Code: 321721)

Amendment 3 (with directory language and title amendments)—On page 23, line 20,

insert: (ggg) *People-mover systems.—People-mover systems, and parts thereof, which are purchased or manufactured by contractors employed either directly by or as agents for the United States Government, the state, a county, a municipality, a political subdivision of the state, or the public operator of a public-use airport as defined by*

s. 332.004(14) are exempt from the tax imposed by this chapter when the systems or parts go into or become part of publicly owned facilities. In the case of contractors who manufacture and install such systems and parts, this exemption extends to the purchase of component parts and all other manufacturing and fabrication costs. The department may provide a form to be used by contractors to provide to suppliers of people-mover systems or parts to certify the contractors' eligibility for the exemption provided under this paragraph. As used in this paragraph, "people-mover systems" includes wheeled passenger vehicles and related control and power distribution systems that are part of a transportation system for use by the general public, regardless of whether such vehicles are operator-controlled or driverless, self-propelled or propelled by external power and control systems, or conducted on roads, rails, guidebeams, or other permanent structures that are an integral part of such transportation system. "Related control and power distribution systems" includes any electrical or electronic control or signaling equipment, but does not include the embedded wiring, conduits, or cabling used to transmit electrical or electronic signals among such control equipment, power distribution equipment, signaling equipment, and wheeled vehicles.

And the directory language is amended as follows:

On page 20, line 15, after "amended"

insert: , and paragraph (ggg) is added to subsection (7) of said section,

And the title is amended as follows:

On page 3, line 4, after "intent;"

insert: providing an exemption for people-mover systems and parts thereof purchased or manufactured by certain contractors; providing an exemption for the purchase of component parts by, and other manufacturing costs incurred by, certain contractors who manufacture and install such systems and parts; providing definitions;

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

Representative(s) Albright offered the following:

(Amendment Bar Code: 645477)

Amendment 4 (with title amendment)—On page 10, line 21 through page 11, line 20,
remove from the bill: all of said lines

And the title is amended as follows:

On page 1, line 29 through page 2, line 4,
remove from the title of the bill: all of said lines

and insert in lieu thereof: 513, F.S.; amending s. 203.01,

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 1857—A bill to be entitled An act relating to sports industry economic development projects; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing

for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 310891)

Amendment 1—On page 6, line 22
remove from the bill: all of said line

and insert in lieu thereof:

development projects shall not exceed three. However, prior to June 30, 2005, the number of certified sports industry economic development projects shall not exceed one.

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

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 213083)

Amendment 2—On page 4, line 10
remove from the bill: 30 days

and insert in lieu thereof: 12 months

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HJR 1899—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution relating to tax exemptions, to exempt from taxation certain property owned by municipalities or special districts and used for airport or seaport purposes, as provided by general law.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

CS/HBs 67 & 187—A bill to be entitled An act relating to taxation; amending s. 199.023, F.S.; revising the definition of a “beneficial interest” in a trust for intangible personal property tax purposes; amending s. 199.032, F.S.; reducing the rate of the annual intangible personal property tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida’s Future Investment Fund to conform; amending s. 199.052, F.S.; providing that a trustee is not responsible for returns and is not required to pay annual tax on trust property; providing that a Florida resident with a beneficial interest in a trust is responsible for returns and payment of tax for his or her equitable share; revising provisions relating to the responsibilities of a bank or savings association acting as agent of a trust other than as a trustee and providing that its management or control shall not be used as a basis for imposing the annual tax; providing that intangible assets managed by a fiduciary or agent shall not have taxable situs in this state solely by virtue of such management; amending s. 199.175, F.S.; revising the definition of “any person domiciled in this state”; amending s. 199.183, F.S.; providing that intangible personal property owned, managed, or controlled by a trustee of a trust is exempt from the annual tax; amending s. 199.185, F.S.; providing that all accounts receivable are exempt from intangible personal property taxes; revising the exemption from the annual tax granted to natural persons; amending s. 199.292, F.S.; eliminating distribution of a portion of intangible personal property tax revenues to the Revenue Sharing Trust Fund for Counties; amending s. 212.20, F.S.; increasing the distribution of sales and use tax

proceeds to the Local Government Half-cent Sales Tax Clearing Trust Fund; providing for distribution of a portion of sales and use tax proceeds to the Revenue Sharing Trust Fund for Counties; amending s. 218.23, F.S.; providing for an annual distribution from the trust fund to certain consolidated units of local government; amending s. 218.25, F.S.; providing additional assurance to holders of bonds secured by shared funds; amending s. 288.1169, F.S.; correcting a reference; repealing s. 218.251, F.S.; which provides for an additional distribution to certain consolidated governments, subject to annual appropriations; providing an effective date.

—was read the second time by title.

Representative(s) Wiles and Suarez offered the following:

(Amendment Bar Code: 183667)

Amendment 1 (with title amendment)—

Remove from the bill: everything after the enacting clause

and insert in lieu thereof:

Section 1. (1) Subsection (7) of section 199.023, Florida Statutes, is amended to read:

199.023 Definitions.—As used in this chapter:

(7) A resident has a “beneficial interest” in a ~~foreign~~ trust if the resident has a vested interest, even if subject to divestment, which includes at least a current right to income and either a power to revoke the trust or a general power of appointment, as defined in 26 U.S.C. s. 2041(b)(1).

(2) This section is effective for tax years beginning after December 31, 2000.

Section 2. (1) Subsections (5), (6), (9), and (15) of section 199.052, Florida Statutes, are amended to read:

199.052 Annual tax returns; payment of annual tax.—

(5) The trustee of a Florida-situs trust is ~~not primarily~~ responsible for returning the trust’s intangible personal property and ~~is not required to pay any~~ paying the annual tax on it.:

(a) ~~A trust has a Florida-situs when:~~

~~1. All trustees are residents of the state;~~

~~2. There are three or more trustees sharing equally in the ownership, management, or control of the trust’s intangible property, and the majority of the trustees are residents of this state; or~~

~~3. Trustees consist of both residents and nonresidents and management or control of the trust is with a resident trustee.~~

~~(b) When trustees consist of both residents and nonresidents and management or control is with a nonresident trustee, the trust does not have Florida situs and no return is necessary by any resident trustee.~~

~~(c) A portion of the trust has Florida situs when there are two trustees, one a resident of this state and one a nonresident, and they share equally in the ownership, management, or control of the trust’s intangible property. The tax on such property shall be based on the value apportioned between them.~~

~~(d) If there is more than one trustee in the state, only one tax return for the trust must be filed.~~

~~(e) The trust’s beneficiaries, however, may individually return their equitable shares of the trust’s intangible personal property and pay the tax on such shares, in which case the trustee need not return such property or pay such tax, although the department may require the trustee to file an informational return.~~

(6) Each Florida resident with a beneficial interest, as defined in s. 199.023(7), in a ~~foreign-situs~~ trust, that is, a trust with situs outside of this state, is ~~primarily~~ responsible for returning the resident’s equitable share of the trust’s intangible personal property and paying the annual

tax on it. The trustee of a foreign trust may return and pay the tax on the equitable shares of all Florida residents having beneficial interests, in which case the residents need not return such property or pay such tax.

(9) Where an agent *other than a trustee* has control or management of intangible personal property, the principal is primarily responsible for returning such property and paying the annual tax on it, but the agent shall return such property on behalf of the principal and pay the annual tax on it if the principal fails to do so. The department may in any case require the agent to file an informational return.

(15) If a bank or savings association, as defined in s. 220.62, acts as a fiduciary or agent of a trust other than as a trustee, *the bank or savings association is not responsible for returning the trust's intangible personal property and is not required to pay any annual tax on it, and intangible personal property of the trust shall not have taxable situs in this state pursuant to s. 199.175 solely by virtue of the management or control of the bank or savings association shall not be used as the basis for imposing any annual tax on any person or any assets of the trust. If a person acts as a fiduciary or agent for purposes of managing intangible assets owned by another person, such intangible assets shall not have a taxable situs in this state pursuant to s. 199.175 solely by virtue of the management or control of such assets by the person who is not the owner of the assets.*

(2) This section is effective for tax years beginning after December 31, 2000.

Section 3. (1) Paragraph (a) of subsection (1) of section 199.175, Florida Statutes, is amended to read:

199.175 Taxable situs.—For purposes of the annual tax imposed under this chapter:

(1) Intangible personal property shall have a taxable situs in this state when it is owned, managed, or controlled by any person domiciled in this state on January 1 of the tax year. Such intangibles shall be subject to annual taxation under this chapter, unless the person who owns, manages, or controls them is specifically exempt or unless the property is specifically exempt. This provision shall apply regardless of where the evidence of the intangible property is kept; where the intangible is created, approved, or paid; or where business may be conducted from which the intangible arises. The fact that a Florida corporation owns the stock of an out-of-state corporation and manages and controls such corporation from a location in this state shall not operate to give a taxable situs in this state to the intangibles owned by the out-of-state corporation, which intangibles arise out of business transacted outside this state.

(a) For the purposes of this chapter, "any person domiciled in this state" means:

1. Any natural person who is a legal resident of this state;
2. Any bank or financial institution, business, business trust as described in chapter 609, company, corporation, insurance company, partnership, or other artificial entity organized or created under the law of this state, except a trust; or
3. Any person, including a *business* trust, who has established a commercial domicile in this state.

(2) This section is effective for tax years beginning after December 31, 2000.

Section 4. (1) Subsection (4) is added to section 199.183, Florida Statutes, to read:

199.183 Taxpayers exempt from annual and nonrecurring taxes.—

(4) *Intangible personal property that is owned, managed, or controlled by a trustee of a trust is exempt from annual tax under this chapter. This exemption does not exempt from annual tax a resident of this state who has a taxable beneficial interest, as defined in s. 199.023, in a trust.*

(2) This section is effective for tax years beginning after December 31, 2000.

Section 5. (1) Paragraph (l) of subsection (1) and subsection (2) of section 199.185, Florida Statutes, are amended to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(1) The following intangible personal property shall be exempt from the annual and nonrecurring taxes imposed by this chapter:

(l) ~~All Two-thirds of the~~ accounts receivable arising or acquired in the ordinary course of a trade or business which are owned, controlled, or managed by a taxpayer ~~on January 1, 2000, and thereafter. It is the intent of the Legislature that, pursuant to future legislative action, the portion of such accounts receivable exempt from taxation be increased to all such accounts receivable on January 1, 2001, and thereafter.~~ This exemption does not apply to accounts receivable that arise outside the taxpayer's ordinary course of trade or business. For the purposes of this chapter, the term "accounts receivable" means a business debt that is owed by another to the taxpayer or the taxpayer's assignee in the ordinary course of trade or business and is not supported by negotiable instruments. Accounts receivable include, but are not limited to, credit card receivables, charge card receivables, credit receivables, margin receivables, inventory or other floor plan financing, lease payments past due, conditional sales contracts, retail installment sales agreements, financing lease contracts, and a claim against a debtor usually arising from sales or services rendered and which is not necessarily due or past due. The examples specified in this paragraph shall be deemed not to be supported by negotiable instruments. The term "negotiable instrument" means a written document that is legally capable of being transferred by indorsement or delivery. The term "indorsement" means the act of a payee or holder in writing his or her name on the back of an instrument without further qualifying words other than "pay to the order of" or "pay to" whereby the property is assigned and transferred to another.

(2)(a) ~~With respect to the first mill of the annual tax, Every natural person is entitled each year to an exemption of the first \$200,000 \$20,000 of the value of property otherwise subject to the annual said tax. A husband and wife filing jointly shall have an exemption of \$400,000 \$40,000.~~

(b) ~~With respect to the last 0.5 mill of the annual tax, every natural person is entitled each year to an exemption of the first \$100,000 of the value of property otherwise subject to said tax. A husband and wife filing jointly shall have an exemption of \$200,000.~~

Agents and fiduciaries, other than guardians and custodians under a gifts-to-minors act, filing as such may not claim this exemption on behalf of their principals or beneficiaries; however, if the principal or beneficiary returns the property held by the agent or fiduciary and is a natural person, the principal or beneficiary may claim the exemption. No taxpayer shall be entitled to more than one exemption under *this subsection paragraph (a) and one exemption under paragraph (b)*. This exemption shall not apply to that intangible personal property described in s. 199.023(1)(d).

(2) This section is effective for tax years beginning after December 31, 2000.

Section 6. *It is the intent of the Legislature to eliminate the intangible personal property tax by increasing the standard exemption in order to remove additional individuals, families, and small business from the tax rolls each year.*

Section 7. Subsection (3) of section 199.292, Florida Statutes, is amended to read:

199.292 Disposition of intangible personal property taxes.—All intangible personal property taxes collected pursuant to this chapter shall be placed in a special fund designated as the "Intangible Tax Trust Fund." The fund shall be disbursed as follows:

(3) Of the remaining intangible personal property taxes collected, ~~the balance an amount equal to 35.3 percent in state fiscal year 1998-1999 and an amount equal to 37.7 percent in each year thereafter, shall~~

~~be transferred to the Revenue Sharing Trust Fund for Counties. Of the remaining taxes collected, an amount equal to 64.7 percent in state fiscal year 1998-1999 and an amount equal to 62.3 percent in each year thereafter, shall be transferred to the General Revenue Fund of the state.~~

Section 8. Paragraph (f) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(f) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. *For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.*

~~6.5. Of the remaining proceeds:~~

a. Beginning July 1, 1992, \$166,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162 and \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "new spring training franchise facility" pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

b. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

c. Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

~~7.6. All other proceeds shall remain with the General Revenue Fund.~~

Section 9. Section 218.23, Florida Statutes, is amended to read:

218.23 Revenue sharing with units of local government.—

(1) To be eligible to participate in revenue sharing beyond the minimum entitlement in any fiscal year, a unit of local government is required to have:

(a) Reported its finances for its most recently completed fiscal year to the Department of Banking and Finance, pursuant to s. 218.32.

(b) Made provisions for annual postaudits of its financial accounts in accordance with provisions of law.

(c) Levied, as shown on its most recent financial report pursuant to s. 218.32, ad valorem taxes, exclusive of taxes levied for debt service or other special millages authorized by the voters, to produce the revenue equivalent to a millage rate of 3 mills on the dollar based on the 1973 taxable values as certified by the property appraiser pursuant to s. 193.122(2) or, in order to produce revenue equivalent to that which would otherwise be produced by such 3-mill ad valorem tax, to have received a remittance from the county pursuant to s. 125.01(6)(a), collected an occupational license tax or a utility tax, levied an ad valorem tax, or received revenue from any combination of these four sources. If a new municipality is incorporated, the provisions of this paragraph shall apply to the taxable values for the year of incorporation as certified by the property appraiser. This paragraph requires only a minimum amount of revenue to be raised from the ad valorem tax, the occupational license tax, and the utility tax. It does not require a minimum millage rate.

(d) Certified that persons in its employ as law enforcement officers, as defined in s. 943.10(1), meet the qualifications for employment as established by the Criminal Justice Standards and Training Commission; that its salary structure and salary plans meet the provisions of chapter 943; and that no law enforcement officer is compensated for his or her services at an annual salary rate of less than \$6,000. However, the department may waive the minimum law enforcement officer salary requirement if a city or county certifies that it is levying ad valorem taxes at 10 mills.

(e) Certified that persons in its employ as firefighters, as defined in s. 633.30(1), meet the qualification for employment as established by the Division of State Fire Marshal pursuant to the provisions of ss. 633.34 and 633.35 and that the provisions of s. 633.382 have been met.

(f) Certified that each dependent special district that is budgeted separately from the general budget of the local governing authority has met the provisions for annual postaudit of its financial accounts in accordance with the provisions of law.

Additionally, to receive its share of revenue sharing funds, a unit of local government shall certify to the Department of Revenue that the requirements of s. 200.065, if applicable, were met. The certification shall be made annually within 30 days of adoption of an ordinance or resolution establishing a final property tax levy or, if no property tax is levied, not later than November 1. The portion of revenue sharing funds which, pursuant to this part, would otherwise be distributed to a unit of local government which has not certified compliance or has otherwise failed to meet the requirements of s. 200.065 shall be deposited in the General Revenue Fund for the 12 months following a determination of noncompliance by the department.

(2) Any unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the 1968 revised constitution, shall receive an annual distribution from the Revenue Sharing Trust Fund for Counties equal to \$6.24 times its population.

~~(3)(2)~~ The distribution to a unit of local government under this part is determined by the following formula:

(a) First, the entitlement of an eligible unit of local government shall be computed on the basis of the apportionment factor provided in s. 218.245, which shall be applied for all eligible units of local government to all receipts available for distribution in the respective revenue sharing trust fund.

(b) Second, revenue shared with eligible units of local government for any fiscal year shall be adjusted so that no eligible unit of local government receives less funds than its guaranteed entitlement.

(c) Third, revenues shared with counties for any fiscal year shall be adjusted so that no county receives less funds than its guaranteed entitlement plus the second guaranteed entitlement for counties.

(d) Fourth, revenue shared with units of local government for any fiscal year shall be adjusted so that no unit of local government receives less funds than its minimum entitlement.

(e) Fifth, after the adjustments provided in paragraphs (b), (c), and (d), and after deducting the amount committed to all the units of local government, the funds remaining in the respective trust funds shall be distributed to those eligible units of local government which qualify to receive additional moneys beyond the guaranteed entitlement, on the basis of the additional money of each qualified unit of local government in proportion to the total additional money of all qualified units of local government.

(4)(3) Notwithstanding the provisions of paragraph (1)(c), no unit of local government which was eligible to participate in revenue sharing in the 3 years prior to initially participating in the local government half-cent sales tax shall be ineligible to participate in revenue sharing solely due to a millage or utility tax reduction afforded by the local government half-cent sales tax.

Section 10. Subsection (6) of section 288.1169, Florida Statutes, is amended to read:

288.1169 International Game Fish Association World Center facility; department duties.—

(6) The Department of Commerce must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding will be abated until certification criteria are met. If the project fails to generate \$1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to s. 212.20(6)(f) 6.5-c. shall be reduced to an amount equal to \$83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is \$1 million. Such reduction shall remain in effect until revenues generated by the project in a 12-month period equal or exceed \$1 million.

Section 11. This act shall take effect July 1, 2000.

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 taxation; amending s. 199.023, F.S.; revising the definition of a "beneficial interest" in a trust for intangible personal property tax purposes; amending s. 199.052, F.S.; providing that a trustee is not responsible for returns and is not required to pay annual tax on trust property; providing that a Florida resident with a beneficial interest in a trust is responsible for returns and payment of tax for his or her equitable share; revising provisions relating to the responsibilities of a bank or savings association acting as agent of a trust other than as a trustee and providing that its management or control shall not be used as a basis for imposing the annual tax; providing that intangible assets managed by a fiduciary or agent shall not have taxable situs in this state solely by virtue of such management; amending s. 199.175, F.S.; revising the definition of "any person domiciled in this state"; amending s. 199.183, F.S.; providing that intangible personal property owned, managed, or controlled by a trustee of a trust is exempt from the annual tax; amending s. 199.185, F.S.; providing that all accounts receivable are exempt from intangible personal property taxes; revising application of the exemption from the annual tax granted to natural persons and increasing the exemption; providing intent; amending s. 199.292, F.S.; eliminating distribution of a portion of intangible personal property tax revenues to the Revenue Sharing Trust Fund for Counties; amending s. 212.20, F.S.; providing for distribution of a portion of sales and use tax

proceeds to the trust fund; amending s. 218.23, F.S.; providing for an annual distribution from the trust fund to certain consolidated units of local government; amending s. 288.1169, F.S.; correcting a reference; providing an effective date.

Rep. Wiles moved the adoption of the amendment.

Representative(s) Brown, Wiles, and Bloom offered the following:

(Amendment Bar Code: 933231)

Substitute Amendment 1 (with title amendment)—On page 8, lines 25 through 28, remove from the bill: all of said lines

and insert in lieu thereof:

~~tax.~~ Every ~~natural~~ person is entitled each year to an exemption of the first ~~\$200,000~~ ~~\$20,000~~ of the value of property otherwise subject to ~~the annual said tax~~. A husband and wife filing jointly shall have an exemption of ~~\$400,000~~ ~~\$40,000~~.

And the title is amended as follows:

On page 2, line 3, after "persons"

insert: and increasing the exemption

Rep. Brown moved the adoption of the substitute amendment.

Point of Order

Rep. Fasano raised a point of order, under Rule 146, that the substitute amendment offered by Rep. Brown was the principal substance of HB 2443.

The Chair [Speaker Thrasher] referred the point to the Chair of the Committee on Rules & Calendar. Pending a ruling, further consideration of the bill, with pending amendment, was temporarily postponed.

HB 141 was taken up. On motion by Rep. C. Green, the rules were suspended and SB 932 was substituted for HB 141. Under Rule 50, the House bill was laid on the table and—

SB 932—A bill to be entitled An act relating to the tax on sales, use, and other transactions; repealing s. 212.18(5), F.S., which imposes an additional annual registration fee on dealers who have taxable sales or purchases of \$30,000 or more, and s. 212.20(6)(d), F.S., which provides for deposit of the proceeds of such fees in the Solid Waste Management Trust Fund; amending ss. 212.20, 218.65, and 288.1169, F.S.; for the sole purpose of conforming cross-references; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

CS/HBs 67 & 187—A bill to be entitled An act relating to taxation; amending s. 199.023, F.S.; revising the definition of a "beneficial interest" in a trust for intangible personal property tax purposes; amending s. 199.032, F.S.; reducing the rate of the annual intangible personal property tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida's Future Investment Fund to conform; amending s. 199.052, F.S.; providing that a trustee is not responsible for returns and is not required to pay annual tax on trust property; providing that a Florida resident with a beneficial interest in a trust is responsible for returns and payment of tax for his or her equitable share; revising provisions relating to the responsibilities of a bank or savings association acting as agent of a trust other than as a trustee and providing that its management or control shall not be used as a basis for imposing the annual tax; providing that intangible assets managed by a fiduciary or agent shall not have taxable situs in this state solely by virtue of such management; amending s. 199.175, F.S.; revising the definition of "any person domiciled in this state"; amending s. 199.183, F.S.; providing that intangible personal property owned, managed, or controlled by a trustee of a trust is exempt from the annual tax; amending s. 199.185, F.S.; providing that all accounts receivable are exempt from intangible personal property taxes; revising the exemption from the annual tax granted to natural persons; amending s. 199.292,

F.S.; eliminating distribution of a portion of intangible personal property tax revenues to the Revenue Sharing Trust Fund for Counties; amending s. 212.20, F.S.; increasing the distribution of sales and use tax proceeds to the Local Government Half-cent Sales Tax Clearing Trust Fund; providing for distribution of a portion of sales and use tax proceeds to the Revenue Sharing Trust Fund for Counties; amending s. 218.23, F.S.; providing for an annual distribution from the trust fund to certain consolidated units of local government; amending s. 218.25, F.S.; providing additional assurance to holders of bonds secured by shared funds; amending s. 288.1169, F.S.; correcting a reference; repealing s. 218.251, F.S.; which provides for an additional distribution to certain consolidated governments, subject to annual appropriations; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on point of order by Rep. Fasano, under Rule 146, on Substitute Amendment 1 by Rep. Brown.

Subsequently, Rep. Fasano withdrew the point of order.

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

Session Vote Sequence: 278

Yeas—41

Argenio	Effman	Johnson	Smith, C.
Barreiro	Fasano	Kosmas	Sobel
Betancourt	Frankel	Lawson	Stafford
Bloom	Gottlieb	Levine	Stansel
Boyd	Greene, A.	Melvin	Suarez
Brown	Greenstein	Miller, L.	Turnbull
Bucher	Hafner	Rayson	Wasserman Schultz
Bullard	Henriquez	Reddick	Wiles
Bush	Heyman	Ritchie	
Cosgrove	Hill	Ritter	
Edwards	Jacobs	Ryan	

Nays—68

The Chair	Crist	Kelly	Putnam
Albright	Crow	Kilmer	Rojas
Alexander	Detert	Kyle	Rubio
Argenziano	Dockery	Lacasa	Russell
Arnall	Farkas	Littlefield	Sanderson
Bainter	Feeney	Lynn	Sembler
Ball	Fiorentino	Maygarden	Smith, K.
Bense	Fuller	Miller, J.	Sorensen
Bilirakis	Futch	Minton	Spratt
Bitner	Garcia	Morrone	Starks
Bronson	Gay	Murman	Sublette
Brummer	Goode	Ogles	Trovillion
Byrd	Goodlette	Patterson	Tullis
Cantens	Green, C.	Peaden	Villalobos
Casey	Harrington	Posey	Wallace
Constantine	Hart	Prieguez	Waters
Crady	Jones	Pruitt	Wise

Votes after roll call:

Nays—Andrews, Merchant
Nays to Yeas—Posey

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

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

Session Vote Sequence: 279

Yeas—74

The Chair	Andrews	Arnall	Barreiro
Albright	Argenio	Bainter	Bense
Alexander	Argenziano	Ball	Bilirakis

Bitner	Fiorentino	Littlefield	Russell
Bradley	Flanagan	Lynn	Sanderson
Bronson	Fuller	Maygarden	Sembler
Brummer	Futch	Melvin	Smith, K.
Byrd	Garcia	Merchant	Spratt
Cantens	Goodlette	Miller, J.	Starks
Casey	Green, C.	Morrone	Sublette
Constantine	Harrington	Murman	Trovillion
Crady	Hart	Ogles	Tullis
Crist	Johnson	Patterson	Turnbull
Crow	Jones	Peaden	Villalobos
Detert	Kelly	Prieguez	Wallace
Dockery	Kilmer	Pruitt	Waters
Farkas	Kosmas	Putnam	Wise
Fasano	Kyle	Rojas	
Feeney	Lacasa	Rubio	

Nays—39

Betancourt	Effman	Jacobs	Ritter
Bloom	Eggelletion	Lawson	Ryan
Boyd	Frankel	Levine	Smith, C.
Brown	Gottlieb	Logan	Sobel
Bucher	Greene, A.	Miller, L.	Stafford
Bullard	Greenstein	Minton	Stansel
Bush	Hafner	Posey	Suarez
Chestnut	Henriquez	Rayson	Wasserman Schultz
Cosgrove	Heyman	Reddick	Wiles
Edwards	Hill	Ritchie	

Votes after roll call:

Yeas—Goode
Yeas to Nays—Turnbull

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 2179—A bill to be entitled An act relating to school district revenue; amending s. 199.292, F.S.; providing for transfer of a portion of nonrecurring intangible personal property tax revenues to the School District Capital Outlay Trust Fund; providing for distribution of a portion of such revenues to school districts which collected impact fee revenues in fiscal year 1999-2000 to supplant such impact fees; providing requirements for distribution of the remainder of such revenues to all school districts; amending s. 125.01, F.S.; providing that a county in which the school board is receiving such intangible tax revenues is prohibited from levying school impact fees; providing a contingent effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 285409)

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

Section 1. Subsection (8) is added to section 125.01, Florida Statutes to read:

125.01 Powers and duties.—

(8) *Counties are prohibited from levying any impact fee for school purposes in an amount in excess of 37.5% of any school impact fee which that county adopted by county ordinance prior to May 1, 1999. If the Legislature funds an amount less than 62.5% of the total impact fee revenue in the Appropriations Act, in any year, a county may increase any existing impact fee to make up the difference.*

Section 2. Funds appropriated in the General Appropriation Act for the replacement of school impact fees shall be distributed by the Department of Education to school boards on a pro-rata basis based on the amount of school impact fees which were enacted by county

ordinance prior to May 1, 1999, and collected during the 1999-2000 fiscal year.

Section 3. This act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, lines 3-17

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

and insert in lieu thereof: amending s. 125.01, F.S.; limiting the ability of counties to levy school impact fees; providing for the distribution to school boards of certain funds appropriated in the General Appropriations Act; providing an effective date.

Rep. Albright moved the adoption of the amendment.

Further consideration of **Amendment 1** was temporarily postponed under Rule 141.

On motion by Rep. Albright, **HB 2179**, with pending amendment, was temporarily postponed under Rule 141.

HB 931—A bill to be entitled An act relating to public medical assistance; amending s. 395.701, F.S.; reducing the annual assessment on hospitals to fund public medical assistance; providing for contingent effect; repealing s. 395.7015, F.S., to eliminate the annual assessment on certain health care entities; amending ss. 408.904, 409.905, and 409.908, F.S.; increasing benefits for hospital outpatient services under the MedAccess and Medicaid programs; amending s. 409.912, F.S.; providing for a contract with and reimbursement of an entity in Pasco or Pinellas County that provides in-home physician services to Medicaid recipients with degenerative neurological diseases; providing for future repeal; providing appropriations; providing effective dates.

—was read the second time by title.

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

(Amendment Bar Code: 885451)

Amendment 1 (with title amendment)—On page 6, line 4, of the bill

insert:

Section 7. *The Department of Health's Volunteer Health Care Provider Program, or its successor program, shall coordinate with the Agency for Health Care Administration, Florida Board of Medicine, the Florida Board of Osteopathic Medicine, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Hospital Association, the Association of Community Hospitals and Health Systems of Florida, Inc., and the Florida League of Health Care Systems to conduct a survey and to produce, for the Legislature by December 31 of each calendar year, a report relative to uncompensated care for which the provider receives no reimbursement. The report shall include: the dollar amount of uncompensated care for which the physician receives no reimbursement provided by physicians licensed pursuant to chapter 458 and chapter 459 by medical specialty and by county; the dollar amount of uncompensated care for which the hospital receives no reimbursement provided by Florida hospitals licensed under chapter 395 by medical specialty and by county; the number of Medicaid physicians in the state by medical specialty and county, and the average number of encounters per physician. The results of the Medicaid provider survey shall be compared with the projected need for Medicaid services by specialty and county, as determined by the department. The report that is to be filed on December 31, 2000, shall also include the following information: a comparison of Florida Medicaid reimbursement rates with Medicaid reimbursement rates for other states; a comparison of Florida Medicaid reimbursement rates with Medicare reimbursement rates; a comparison of Florida Medicaid reimbursement rates with fee-for-service rates; and a historical report on Florida Medicaid reimbursement rates.*

(Renumber subsequent sections)

And the title is amended as follows:

On page 1, line 16, after "repeal;"

insert: requiring certain entities to conduct an annual survey and produce an annual report on uncompensated care;

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

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 333145)

Amendment 2 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (2) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues *for inpatient services* to fund public medical assistance; administrative fines for failure to pay assessments when due; exemption.—

(2)(a) There is imposed upon each hospital an assessment in an amount equal to 1.5 percent of the annual net operating revenue *for inpatient services* for each hospital, such revenue to be determined by the agency, based on the actual experience of the hospital as reported to the agency. Within 6 months after the end of each hospital fiscal year, the agency shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the agency in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the agency certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

(b) *There is imposed upon each hospital an assessment in an amount equal to 1.0 percent of the annual net operating revenue for outpatient services for each hospital, such revenue to be determined by the agency, based on the actual experience of the hospital as reported to the agency. Within 6 months after the end of each hospital fiscal year, the agency shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the agency in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the agency certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.*

Section 2. Paragraph (a) of subsection (2) of section 395.7015, Florida Statutes, is amended to read:

395.7015 Annual assessment on health care entities.—

(2) There is imposed an annual assessment against certain health care entities as described in this section:

(a) The assessment shall be equal to 1.0-1.5 percent of the annual net operating revenues of health care entities. The assessment shall be payable to and collected by the agency. Assessments shall be based on annual net operating revenues for the entity's most recently completed fiscal year as provided in subsection (3).

Section 3. Paragraph (c) of subsection 2 of section 408.904, Florida Statutes, is amended to read:

408.904 Benefits.—

(2) Covered health services include:

(c) Hospital outpatient services. Those services provided to a member in the outpatient portion of a hospital licensed under part I of chapter 395, up to a limit of \$1,500 ~~\$1,000~~ per calendar year per member, that are preventive, diagnostic, therapeutic, or palliative.

Section 4. Subsection (6) of section 409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(6) HOSPITAL OUTPATIENT SERVICES.—The agency shall pay for preventive, diagnostic, therapeutic, or palliative care and other services provided to a recipient in the outpatient portion of a hospital licensed under part I of chapter 395, and provided under the direction of a licensed physician or licensed dentist, except that payment for such care and services is limited to \$1,500 ~~\$4,000~~ per state fiscal year per recipient, unless an exception has been made by the agency, and with the exception of a Medicaid recipient under age 21, in which case the only limitation is medical necessity.

Section 5. Paragraph (a) of subsection (1) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(1) Reimbursement to hospitals licensed under part I of chapter 395 must be made prospectively or on the basis of negotiation.

(a) Reimbursement for inpatient care is limited as provided for in s. 409.905(5). Reimbursement for hospital outpatient care is limited to \$1,500 ~~\$4,000~~ per state fiscal year per recipient, except for:

1. Such care provided to a Medicaid recipient under age 21, in which case the only limitation is medical necessity;
2. Renal dialysis services; and
3. Other exceptions made by the agency.

Section 6. Paragraph (e) is added to subsection (3) of section 409.912, Florida Statutes, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(e) *An entity in Pasco County or Pinellas County that provides in-home physician services to Medicaid recipients with degenerative neurological diseases in order to test the cost-effectiveness of enhanced home-based medical care. The entity providing the services shall be reimbursed on a fee-for-service basis at a rate not less than comparable Medicare reimbursement rates. The agency may apply for waivers of federal regulations necessary to implement such program. This paragraph shall be repealed on July 1, 2002.*

Section 7. *The Legislature shall appropriate each fiscal year from the General Revenue Fund to the Public Medical Assistance Trust Fund an amount sufficient to replace the funds lost due to the reduction by this act of the assessment on other health care entities under s. 395.7015, Florida Statutes, and the reduction by this act in the assessment on hospitals under s. 395.701, Florida Statutes, and to maintain federal approval of the reduced amount of funds deposited into the Public Medical Assistance Trust Fund under s. 395.701, Florida Statutes, as state match for the state's Medicaid program.*

Section 8. *There is hereby appropriated \$28.3 million to the Agency for Health Care Administration to implement this act, provided however, that no portion of this appropriation shall be effective that duplicates a similar appropriation for the same purpose contained in other legislation from the 2000 session that becomes law.*

Section 9. This act shall take effect July 1, 2000, except that the amendments to ss. 395.701 and 395.7015, Florida Statutes, by this act shall take effect only upon the Agency for Health Care Administration receiving written confirmation from the federal Health Care Financing Administration that the changes contained in such amendments will not adversely affect the use of the remaining assessments as state match for the state's Medicaid program.

And the title is amended as follows:

On page 1, lines 6 through 18,
remove from the title of the bill: all of said lines

and insert in lieu thereof:

amending s. 395.7015, F.S.; reducing the annual assessment on certain health care entities; amending ss. 408.904, 409.905, and 409.908, F.S.; increasing benefits for hospital out patient services under the MedAccess and Medicaid programs; amending s. 409.912, F.S.; providing for a contract with reimbursement of an entity in Pasco or Pinellas County that provides in-home physician services to Medicaid recipients with degenerative neurological diseases; providing for future repeal; providing appropriations; providing effective dates.

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

Reconsideration

On motion by Rep. Fasano, the House reconsidered the vote by which **Amendment 2** was adopted. The question recurred on the adoption of the amendment.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 113281)

Amendment 1 to Amendment 2 (with title amendment)—On page 6, line 2, of the amendment

insert:

Section 7. *The Department of Health's Volunteer Health Care Provider Program, or its successor program, shall coordinate with the Agency for Health Care Administration, Florida Board of Medicine, the Florida Board of Osteopathic Medicine, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Hospital Association, the Association of Community Hospitals and Health Systems of Florida, Inc., and the Florida League of Health Care Systems to conduct a survey and produce for the Legislature by December 31 of*

each calendar year a report relative to uncompensated care for which the provider receives no reimbursement and the Florida Medicaid program. The report shall include: the dollar amount of uncompensated care for which the physician receives no reimbursement provided by physicians licensed pursuant to chapter 458 and chapter 459 by medical specialty and by county; the dollar amount of uncompensated care for which the hospital receives no reimbursement provided by Florida hospitals licensed under chapter 395 by medical specialty and by county; the number of Medicaid physicians in the state by medical specialty and county, and the average number of encounters per physician. The results of the Medicaid provider survey shall be compared with the projected need for Medicaid services by specialty and county, as determined by the department. The report that is to be filed on December 31, 2000, shall also include the following information: a comparison of Florida Medicaid reimbursement rates with Medicaid reimbursement rates for other states; a comparison of Florida Medicaid reimbursement rates with Medicare reimbursement rates; a comparison of Florida Medicaid reimbursement rates with fee-for-service rates; and a historical report on Florida Medicaid reimbursement rates.

(Renumber subsequent sections)

And the title is amended as follows:

On page 7, line 12, after "repeal," of the amendment

insert: requiring certain entities to conduct an annual survey and produce an annual report on uncompensated care;

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

Representative(s) Fasano offered the following:

(Amendment Bar Code: 732687)

Amendment 2 to Amendment 2 (with title amendment)—On page 6, lines 19 through 26

remove from the amendment: all of said lines

and insert in lieu thereof:

Section 9. This act shall take effect July 1, 2000.

And the title is amended as follows:

On page 7, line 13, of the amendment

remove: all of said line

and insert in lieu thereof: an effective date.

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

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

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 624173)

Amendment 3—On page 6, line 7 and lines 18 and 19, remove from the bill: *to the Public Medical Assistance Trust Fund*

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

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 231411)

Amendment 4—On page 6, lines 17 and 18, remove from the bill: *the Medical Care Trust Fund within the Agency for Health Care Administration*

and insert in lieu thereof: *either the General Revenue Fund or the Agency for Health Care Administration Tobacco Settlement Trust Fund*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 2179—A bill to be entitled An act relating to school district revenue; amending s. 199.292, F.S.; providing for transfer of a portion of nonrecurring intangible personal property tax revenues to the School District Capital Outlay Trust Fund; providing for distribution of a portion of such revenues to school districts which collected impact fee revenues in fiscal year 1999-2000 to supplant such impact fees; providing requirements for distribution of the remainder of such revenues to all school districts; amending s. 125.01, F.S.; providing that a county in which the school board is receiving such intangible tax revenues is prohibited from levying school impact fees; providing a contingent effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Albright to adopt Amendment 1.

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

The Committee on Education Appropriations offered the following:

(Amendment Bar Code: 050253)

Amendment 1 to Amendment 1—On page 1, line 24 through line 27

remove from the amendment: all said lines

and insert in lieu thereof: *ordinance prior to May 1, 1999. If in any year the Legislature appropriates an amount less than 62.5% of the total impact fee for school purposes revenue collected in 1999-2000, a county may increase the county levied portion to make up the difference.*

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

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 161—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing and certain other items shall be exempt from such tax; defining "clothing"; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 361715)

Amendment 1—On page 2, line 6 remove from the bill: *\$200,000*

and insert in lieu thereof: *\$215,000*

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

Representative(s) Frankel offered the following:

(Amendment Bar Code: 702795)

Amendment 2 (with title amendment)—Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. (1) *For the period beginning at 12:01 a.m., July 29, 2000, through midnight, August 6, 2000, taxes levied under chapter 212, Florida Statutes, shall have extraordinary administration and be collected in the following manner:*

(a) *No tax shall be collected on sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a selling price of \$100 or less during the period from 12:01 a.m., July 29, 2000, through midnight, August 2, 2000.*

(b) Taxes administered on sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a selling price of \$100 or less during the period from 12:01 a.m., August 3, 2000, through midnight, August 6, 2000, shall be collected as stated in chapter 212, Florida Statutes, except that such revenues shall be designated to augment funding of grants and aid for adult and children's mental health services for the 2000-2001 fiscal year.

(2) As used in this section, the term "clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. For purposes of this section, the term "clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(3) This section does not apply to sales within a theme park or entertainment complex as defined in section 509.013(9), Florida Statutes, within a public lodging establishment as defined in section 509.013(4), Florida Statutes, or within an airport as defined in section 330.27(2), Florida Statutes.

(4) The provisions of chapter 120, Florida Statutes, to the contrary notwithstanding, the Department of Revenue may adopt rules to carry out this section.

Section 2. (1) For the period beginning at 12:01 a.m., July 29, 2000, through midnight, August 6, 2000, taxes levied under chapter 212, Florida Statutes, shall have extraordinary administration and be collected in the following manner:

(a) No tax shall be collected on sales of school supplies having a selling price of \$10 per item or less during the period from 12:01 a.m., July 29, 2000, through midnight, August 2, 2000.

(b) Taxes administered on sales of school supplies having a selling price of \$10 per item or less during the period from 12:01 a.m., August 3, 2000, through midnight, August 5, 2000, shall be collected as stated in chapter 212, Florida Statutes, except that such revenues shall be designated to augment funding of grants and aid for adult and children's mental health services for the 2000-2001 fiscal year.

(2) As used in this section, the term "school supplies" includes pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, protractors, compasses, and calculators.

(3) The provisions of chapter 120, Florida Statutes, to the contrary notwithstanding, the Department of Revenue may adopt rules to carry out this section.

Section 3. The sum of \$200,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering this act.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-8
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing shall be exempt from such tax; specifying a period during which the taxes collected from the sale of clothing shall be used to augment funding of grants and aid for adult and children's mental health services; defining the term "clothing" for purposes of the exemption; exempting sales at certain locations from the tax exemption; providing for rules; specifying a period during which the sale of school supplies is exempt from the sales tax; specifying a period during which the taxes collected from the sale of school supplies shall be used to augment funding of grants and aid for adult and children's mental health services; defining the term "school supplies" for purposes of the exemption; providing for rules; providing an appropriation; providing an effective date.

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

Session Vote Sequence: 280

Yeas—34

Betancourt	Frankel	Kosmas	Ryan
Bloom	Gottlieb	Levine	Smith, C.
Bucher	Greene, A.	Logan	Sobel
Bullard	Greenstein	Miller, L.	Stafford
Bush	Hafner	Murman	Suarez
Chestnut	Henriquez	Rayson	Wasserman Schultz
Cosgrove	Heyman	Reddick	Wiles
Effman	Hill	Ritter	
Eggelletion	Jacobs	Roberts	

Nays—76

The Chair	Crist	Jones	Putnam
Albright	Crow	Kelly	Ritchie
Alexander	Detert	Kilmer	Rojas
Andrews	Diaz de la Portilla, R.	Kyle	Rubio
Argenio	Dockery	Lacasa	Russell
Argenziano	Farkas	Littlefield	Sanderson
Arnall	Fasano	Lynn	Sembler
Bainter	Feeney	Maygarden	Smith, K.
Ball	Fiorentino	Melvin	Sorensen
Barreiro	Flanagan	Merchant	Spratt
Bense	Fuller	Miller, J.	Stansel
Billrakis	Futch	Minton	Starks
Bitner	Gay	Morrone	Sublette
Bronson	Goode	Ogles	Trovillion
Brunner	Goodlette	Patterson	Tullis
Cantens	Green, C.	Peaden	Villalobos
Casey	Harrington	Posey	Wallace
Constantine	Hart	Prieguez	Waters
Crady	Johnson	Pruitt	Wise

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 043823)

Amendment 3 (with title amendment)—On page 2, between lines 5 and 6, of the bill

insert:

Section 3. (1) No tax levied under the provisions of chapter 212, Florida Statutes, shall be collected on sales of instructional materials, literature books, magazines, newspapers, directories, bulletins, and similar publications used in regularly prescribed courses of study during the period from 12:01 a.m., July 29, 2000 through midnight, August 6, 2000.

(2) The provisions of chapter 120, Florida Statutes, to the contrary notwithstanding, the Department of Revenue may adopt rules to carry out this section.

And the title is amended as follows:

On page 1, line 7

after "rules;" insert: specifying a period during which the sale of instructional materials shall be exempt from such tax; providing for rules;

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

Session Vote Sequence: 281

Yeas—35

Betancourt	Bucher	Chestnut	Effman
Bloom	Bullard	Cosgrove	Eggelletion
Brown	Bush	Edwards	Frankel

Gottlieb	Hill	Reddick	Stafford
Greene, A.	Jacobs	Ritchie	Stansel
Greenstein	Kosmas	Ritter	Suarez
Hafner	Levine	Ryan	Wasserman Schultz
Henriquez	Logan	Smith, C.	Wiles
Heyman	Miller, L.	Sobel	

Nays—75

The Chair	Crist	Jones	Pruitt
Albright	Crow	Kelly	Putnam
Alexander	Detert	Kilmer	Rojas
Andrews	Diaz de la Portilla, R.	Kyle	Rubio
Argenio	Dockery	Lacasa	Russell
Argenziano	Farkas	Littlefield	Sanderson
Arnall	Fasano	Lynn	Sembler
Bainter	Fiorentino	Maygarden	Smith, K.
Ball	Flanagan	Melvin	Sorensen
Barreiro	Fuller	Merchant	Spratt
Bense	Futch	Miller, J.	Starks
Bilirakis	Garcia	Minton	Sublette
Bitner	Gay	Morrone	Trovillion
Bronson	Goode	Murman	Tullis
Byrd	Goodlette	Ogles	Villalobos
Cantens	Green, C.	Patterson	Wallace
Casey	Harrington	Peaden	Waters
Constantine	Hart	Posey	Wise
Crady	Johnson	Prieguez	

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 2415—A bill to be entitled An act relating to communications services; creating ch. 202, F.S., the Communications Services Tax Simplification Law; providing definitions; providing for taxation of the sale of communications services, effective January 1, 2002; providing for imposition of the tax on the sales price of communications services, the cost of operating a substitute communications system, and the sales price of direct-to-home satellite service; providing for computation of tax rates by the Revenue Estimating Conference and for approval by the Legislature; providing for collection and remittance of the taxes on communications services imposed by chapters 202 and 203, F.S., on a combined basis; providing a limitation on such taxes on certain interstate communications services; requiring the purchaser to obtain a direct-pay permit; providing exemptions for certain sales to residential households, to governmental entities, and to certain religious or educational organizations; providing legislative intent with respect to future findings of invalidity, exemptions, and local government franchise fees; providing for credits for taxes paid in other jurisdictions; providing special provisions for users of substitute communications systems; providing for payment and collection of the taxes on communications; providing for sales for resale; providing requirements for registration of dealers of communications services; providing penalties; providing for fees; providing for annual resale certificates; providing procedures for revocation of registration; providing for disposition of the proceeds of the taxes on communications services; authorizing counties and municipalities to levy a discretionary local communications services tax; providing intent regarding tax rates; providing for imposition of a discretionary sales surtax levied by a county or school board under s. 212.055, F.S., as a local communications services tax; providing for application of local taxes to substitute communications systems; providing a limitation on local taxes on certain interstate communications services; requiring the purchaser to obtain a direct-pay permit; providing for use of tax revenues; providing for credit against local taxes for fees required under a franchise agreement; providing for computation by the Revenue Estimating Conference of the initial and maximum rates for local taxes and providing for approval by the Legislature; providing for effectiveness of the initial rates and for increase by emergency ordinance under certain conditions; requiring providers of communications services and local taxing jurisdictions to furnish information; providing for determination by the Revenue Estimating Conference of a rate conversion factor for counties and school boards that levy a discretionary sales surtax and

providing for approval by the Legislature; providing for certain automatic rate reductions; providing for effective dates and notification with respect to adoption, repeal, or rate changes of local taxes; providing procedures and requirements for determination of the local taxing jurisdiction in which a service address is located; providing for creation of an electronic database by the Department of Revenue; providing for certification of databases by the department; providing effect on dealers who do not use the specified methods for such determination; providing procedures and requirements for refunds or credits of communications services taxes; specifying that the authority of public bodies to require taxes or other impositions from dealers of communications services for occupying roads and rights-of-way is preempted by the state; prohibiting public bodies from levying specified taxes and other charges; providing for jurisdiction for suits against dealers; providing for dealers not qualified to do business in this state; specifying powers of the department; providing for rules; providing requirements for the filing of returns and payment of taxes; providing penalties; providing for rules for self-accrual; providing for a dealer's credit; providing penalties for failure to file returns or for filing false or fraudulent returns; providing for credits or refunds for bad debts; requiring certain dealers to remit taxes by electronic funds transfer and make returns through an electronic data interchange; providing for payment of taxes upon sale or quitting of business; providing for notice to certain persons regarding a dealer's delinquency and providing such persons' duties; providing a penalty; providing for cooperation of state and local agencies; providing that taxes collected become government funds; providing penalties for the theft of government funds; providing department powers regarding warrants, tax executions, and writs of garnishment; providing recordkeeping requirements for dealers; providing a penalty; authorizing sampling by the department; providing for examination of records; providing for audits; providing for assessment of interest and penalties; providing powers of the department to assess from estimates; requiring that taxes be separately stated; prohibiting certain advertising or refunds by dealers; providing a penalty; providing department powers with respect to hearings, cash deposits or bonds, and subpoenas; providing for venue; providing special rules for the administration of local taxes; providing for an advisory committee to advise the executive director of the department regarding implementation of communications services taxes; amending s. 72.011, F.S.; authorizing taxpayers to contest assessments or denials of refund under ch. 202, F.S., in circuit court or pursuant to the Administrative Procedure Act; amending s. 213.05, F.S.; including ch. 202, F.S., within the revenue laws for which the department has responsibility; amending s. 212.20, F.S.; providing for distribution of portions of the communications services tax; amending s. 166.231, F.S.; providing that the exemption from the municipal public service tax for telecommunications services for resale includes resale by way of a prepaid calling arrangement; providing that taxes not collected thereon prior to July 1, 2000, need not be paid; repealing s. 166.231(9), F.S., which provides for levy of the municipal public service tax on telecommunication services, effective January 1, 2002; conforming language; amending s. 166.233, F.S.; conforming language; amending s. 203.01, F.S.; providing that the exemption from the gross receipts tax for telecommunication services for resale includes resale by way of a prepaid calling arrangement; providing for a gross receipts tax on communications services, effective January 1, 2002, to be applied pursuant to ch. 202, F.S.; providing for computation of the tax rate by the Revenue Estimating Conference and for approval by the Legislature; amending s. 203.012, F.S.; removing and revising definitions relating to the gross receipts tax, to conform; repealing s. 203.013, F.S., which provides for payment of the gross receipts tax on interstate private communications services, and ss. 203.60, 203.61, 203.62, and 203.63, F.S., which provide for payment of the gross receipts tax on other interstate and international telecommunication services, to conform; amending s. 212.05, F.S.; providing that the sale or recharge of a prepaid calling arrangement shall be treated as a sale of tangible personal property under ch. 212, F.S.; providing that the sale of telecommunication services to a person who furnishes such services pursuant to such an arrangement is a sale for resale; providing that taxes not collected thereon prior to July 1, 2000, need not be paid; removing the imposition of tax under ch. 212, F.S., on telecommunication service, telegraph messages, long distance telephone

calls, and television system program service, effective January 1, 2002; amending s. 212.054, F.S.; providing that charges for prepaid calling arrangements are subject to discretionary sales surtaxes; conforming language; amending s. 337.401, F.S.; providing requirements with respect to the authority of counties and municipalities to regulate the placement of telecommunications facilities in the public roads or rights-of-way; requiring certain notice to the Secretary of State; revising such requirements, effective January 1, 2002, and providing for application to providers of communications services; requiring municipalities and charter counties and noncharter counties to choose whether or not to impose permit fees on such providers and providing requirements with respect to such fees; providing effect of such choice on the rate of the local communications services tax under ch. 202, F.S., for the local government; providing that the authority of municipalities and counties to require franchise fees from such providers is preempted by the state; authorizing municipalities and counties to request certain in-kind requirements, institutional networks, and contributions from cable service providers; providing for a legislative study with respect to state policy regarding such in-kind requirements and contributions; amending s. 212.031, F.S.; revising the exemption from the tax on the lease or rental of or license in real property for streets or rights-of-way and improvements located thereon used by a utility or cable television company; including such exemption within provisions relating to leases involving multiple use of property; providing status of revenues received under the act with respect to taxes or fees previously imposed and bonded indebtedness; providing appropriations and authorizing positions; repealing the following, effective June 30, 2001: ss. 202.10, 202.11, 202.20, 202.26, and 202.37, F.S., and ss. 3-11, 13-17, and 19-28 of the act, which constitute the creation of ch. 202, F.S., effective January 1, 2002, to provide for the taxation of the sale of communications services; ss. 33-35 of the act, which amend ss. 72.011, 213.05, and 212.20, F.S., to provide related administrative provisions effective January 1, 2002; ss. 38 and 39 of the act, which repeal s. 166.231(9), F.S., and amend ss. 166.231 and 166.233, F.S., to remove levy of the municipal public service tax on telecommunication services effective January 1, 2002; ss. 41-43 of the act, which amend ss. 203.01 and 203.012, F.S., and repeal ss. 203.013 and 203.60-203.63, F.S., to provide for a gross receipts tax on communications services, effective January 1, 2002, to be applied pursuant to ch. 202, F.S.; ss. 48 and 49 of the act, which amend ss. 212.05 and 212.054, F.S., to remove the imposition of tax under ch. 212, F.S., on telecommunication service effective January 1, 2002; s. 51 of the act, which amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, effective January 1, 2002; and ss. 54 and 55 of the act, which provide for application of amendments made by the act; abolishing, on June 30, 2001, an advisory committee appointed pursuant to the act; amending s. 337.401, F.S., effective June 30, 2001, to remove amendments made by the act which take effect January 1, 2001; providing effective dates.

—was read the second time by title.

Representative(s) Albright offered the following:

(Amendment Bar Code: 984225)

Amendment 1—On page 152, lines 18-22 remove from the bill: all of said lines

and insert in lieu thereof:

the sum of \$201,587 is appropriated from the General Revenue Fund to the Department of Revenue in fiscal year 2000-2001 to implement the provisions of this act.

Section 57. *The sum of \$1,759,580 is appropriated from the General Revenue Fund to the Department of Revenue and 20*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 2417—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for certain

telecommunications or cable company records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Representative(s) Rojas offered the following:

(Amendment Bar Code: 580129)

Amendment 1—On page 1, line 15, of the bill after the word *or* insert: *assessing*

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

Representative(s) Rojas offered the following:

(Amendment Bar Code: 082013)

Amendment 2—On page 1 line 20, remove from the bill the word: *tax*

and insert in lieu thereof: *assessing such tax or*

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

Representative(s) Rojas offered the following:

(Amendment Bar Code: 185381)

Amendment 3—On page 2, line 20 of the bill

after the word *to* insert: *the imposition of fees for occupying the public rights-of-way or the assessment of the local communications tax or the regulation of*

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

Representative(s) Rojas offered the following:

(Amendment Bar Code: 465977)

Amendment 4—On page 2, between lines 11 and 12 of the bill insert:

(4) Any information in the possession of a local government entity which consists of maps, plans, schematics, diagrams, or other engineering data relating to the exact location and capacity of facilities for the provision of communications services by the local government entity shall be exempt from the provisions of s. 119.07(1), and Section 24(a), Article I of the State Constitution. Such information shall remain exempt only for a period of sixty days after completion of the construction of the communications services facilities.

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

Representative(s) Rojas offered the following:

(Amendment Bar Code: 882329)

Amendment 5—On page 2, line 28 through page 3, line 3, remove from the bill: all of said lines

and insert in lieu thereof: *competition in the communications industry. Disclosure of data prepared by or in the possession of a local government which reveals the type and size of facilities for providing telecommunications services creates a competitive disadvantage for the local government and an unfair advantage for its competitors. Competitors can use such information to impair full and fair competition and impede competition in the telecommunications marketplace to the disadvantage of the consumers of telecommunications services. Thus, the public and private harm in disclosing this information significantly outweighs any public benefit derived from disclosure, and the public's ability to scrutinize and monitor agency action is not diminished by non disclosure of this information.*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HBs 819 & 473—A bill to be entitled An act relating to motor vehicle emissions; amending s. 325.202, F.S.; deleting the term “nonattainment area” and redefining the term “program area”; amending s. 320.055, F.S.; revising a cross reference to conform; amending s. 325.203, F.S.; deleting obsolete statutory language; amending s. 325.207, F.S.; providing for a new contract term with two 1-year renewals; eliminating liquidated damages; revising provisions relating to the termination of motor vehicle emissions contracts; providing for contracts in each program area; amending s. 325.2135, F.S.; revising procedures to be included in motor vehicle emissions contracts; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 940081)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Sections 325.001, 325.201, 325.202, 325.203, 325.204, 325.206, 325.207, 325.2075, 325.208, 325.209, 325.210, 325.211, 325.212, 325.213, 325.2135, 325.214, 325.215, 325.216, 325.217, 325.218, and 325.219, Florida Statutes, are repealed.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2 through 16
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to motor vehicle emissions; repealing ss. 325.001, 325.201, 325.202, 325.203, 325.204, 325.206, 325.207, 325.2075, 325.208, 325.209, 325.210, 325.211, 325.212, 325.213, 325.2135, 325.214, 325.215, 325.216, 325.217, 325.218, 325.219, F.S., which provide for inspection of motor vehicle exhaust emissions; providing an effective date.

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

The Committee on Transportation & Economic Development Appropriations offered the following:

(Amendment Bar Code: 445869)

Amendment 2 (with title amendment)—On page 4, line 26

through page 5, line 12

remove from the bill: all of said lines

and insert in lieu thereof: ~~this act, at the time of the first registration by the original owner and, thereafter, are subject to the inspection requirements of this act. Beginning May 1, 2000, such vehicles are exempt from those inspection requirements for a period of 2 years from the date of purchase.~~

(l) New motor vehicles as defined in s. 319.001(4) which are utilized as short-term rental vehicles and licensed under s. 320.08(6)(a). Such vehicles are exempt from the inspection requirements. ~~of this act at the time of the first registration. Said vehicles are also exempt from the inspection requirements of this act at the time of the first registration renewal by the original owner, provided this renewal occurs prior to the expiration of 12 months from the date of first registration of the motor vehicle. Beginning May 1, 2000, such vehicles are exempt from those inspection requirements for a period of 2 years from the date of purchase.~~

And the title is amended as follows:

On page 1, lines 7 and 8
remove from the title of the bill: all of said lines

and insert in lieu thereof: s. 325.203, F.S.; exempting certain new motor vehicles from inspection requirements; amending s. 325.207, F.S.; providing

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

Representative(s) Wallace and Crow offered the following:

(Amendment Bar Code: 580967)

Amendment 3 (with title amendment)—On page 9, between lines 20 and 21 of the bill

insert:

Section 6. Section 325.2175, Florida Statutes, is created to read:

325.2175 Inspection equipment—

Any air monitoring device utilized by the Department of Environmental Protection in determining ambient air quality in program areas and that registers levels indicating nonattainment with federal air quality standards shall be tested to determine the accuracy of such data and recalibrated as necessary.

And the title is amended as follows:

On page 1, line 15 after the semicolon

insert: creating s. 325.2175, F.S.; providing for testing the accuracy of inspection equipment;

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

Representative(s) Crow offered the following:

(Amendment Bar Code: 310567)

Amendment 4 (with title amendment)—On page 5 between lines 12 and 13

insert:

Section 4. Section 325.205, Florida Statutes, is created to read:

325.205 State implementation plan.—

The Department of Environmental Protection shall seek the necessary approval by January 1, 2001, to amend the state implementation plan to reflect the current motor vehicle inspection plan and any air quality improvements which offset the motor vehicle inspection program reductions in accordance with the Clean Air Act. Once approval is received from the United States Environmental Protection Agency then the department shall seek an expedited amendatory process to amend the plan.

And the title is amended as follows:

On page 1, line 8 after “language;”

insert: creating s. 325.205, F.S.; conforming the state implementation plan;

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

Representative(s) Wallace and Crow offered the following:

(Amendment Bar Code: 801435)

Amendment 5 (with directory language and title amendments)—On page 5, of the bill between lines 12 and 13

insert:

325.203 Motor vehicles subject to annual inspection; exemptions.—

(9) Should the Department of Environmental Protection determine that levels of nitrogen oxide emitted from stationary sources be of a level to offset the gains achieved or anticipated to be achieved by the motor

vehicle inspection program such program shall be subject to termination pursuant to the contract and this act. This provision shall not be used to mandate or permit additional regulatory authority for the department concerning stationary sources.

And the directory language is amended as follows:

On page 4, lines 18 and 19
remove: all of said lines

and insert in lieu thereof:

Section 3. Paragraphs (k) and (l) of subsection (4) of section 325.203, Florida Statutes, are amended and subsection (9) is added to said section to read:

And the title is amended as follows:

On page 1, line 8 after "language"

insert: and providing for termination of program under certain circumstances;

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

Representative(s) Crow and Wallace offered the following:

(Amendment Bar Code: 613239)

Amendment 6 (with title amendment)—On page 9, line 12
remove from the bill: all of said line

and insert in lieu thereof: *than 1 years, with annual renewals thereafter, in*

And the title is amended as follows:

On page 1, line 9
remove from the title of the bill: all of said line

and insert in lieu thereof: for a new contract term with annual

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

Representative(s) Crow and Wallace offered the following:

(Amendment Bar Code: 020667)

Amendment 7—On page 5, lines 19 and 20
remove from the bill: all of said lines

and insert in lieu thereof:

(a) A contract term of ~~1 not less than 5~~ years of actual test operations with annual renewals thereafter

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

Representative(s) Wallace and Crow offered the following:

(Amendment Bar Code: 224579)

Amendment 8—On page 9, lines 6 and 7
remove from the bill: all of said lines

and insert in lieu thereof:

and the ~~six two~~ prior model years, using *an expanded inspection test the basic test* for hydrocarbon emissions and carbon monoxide emissions and oxides of nitrogen. The

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

Representative(s) Henriquez, Wallace, and Crow offered the following:

(Amendment Bar Code: 141501)

Amendment 9—On page 9, line 19
remove from the bill: \$49

and insert in lieu thereof: \$8

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

Representative(s) Wallace and Crow offered the following:

(Amendment Bar Code: 270189)

Amendment 10 (with title amendment)—On page 2, line 26 after the period

insert:

Mobile or hand-held units may substitute permanent structures, for the purpose of conducting emissions inspections of motor vehicles as required by this act and violations of emissions standards as determined by mobile or hand-held units are enforceable under s. 316.008.

And the title is amended as follows:

On page 1, lines 3 through 5
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 325.202, F.S.; definitions; amending s. 320.055, F.S.;

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

Representative(s) Wallace and Crow offered the following:

(Amendment Bar Code: 762211)

Amendment 11 (with title amendment)—On page 1, between lines 19 and 20

insert:

Section 1. Subsection (7) of section 316.008, Florida Statutes, is added to read:

316.008 Powers of local authorities.—

(7) A county or municipality may enact an ordinance providing for the violation of vehicle emissions standards as determined by a mobile or hand-held unit, as defined in s. 325.202. The ordinance shall provide for a warning to repair the vehicle in accordance with emissions standards, and to retest the vehicle within 90 days or be subject to the nonrenewal of the vehicle registration.

And the title is amended as follows:

On page 1, line 2 after the semicolon

insert: amending s. 316.008, F.S.; to provide enforcement vehicle emissions violations;

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 2211—A bill to be entitled An act relating to regulation of professions under the Department of Business and Professional Regulation; amending s. 310.071, F.S.; providing for disqualification from applying for and denial of deputy pilot certification for being found guilty of, or having pled guilty or nolo contendere to, certain crimes; amending s. 310.151, F.S.; providing for deposit and disposition of amounts received from imposition of pilotage rates pending rendition of a final order regarding such rates; amending s. 120.80, F.S.; providing requirements regarding an administrative law judge's recommended order in a dispute relating to action or proposed action of the Pilotage Rate Review Board; amending s. 455.211, F.S.; requiring department concurrence with certain board rulemaking; amending s. 455.217, F.S.; revising provisions relating to translation of examinations; amending s. 455.2179, F.S.; providing for approval of continuing education providers; providing fees; providing rulemaking authority; amending s. 455.219, F.S., and repealing subsection (3), relating to fees required for approval as a continuing education provider; authorizing the department to adopt

rules to provide for waiver of license renewal fees under certain circumstances and for a limited period and to advance funds to the Florida State Boxing Commission when operating with a negative cash balance; creating s. 455.32, F.S.; creating the Management Privatization Act; providing definitions; authorizing the department to contract with a corporation or other business entity to perform support services specified pursuant to contract; providing contract requirements; providing corporation powers and responsibilities; establishing reporting and audit requirements; providing for future review and repeal; amending s. 468.382, F.S.; defining "absolute auction"; amending s. 468.385, F.S.; revising requirements relating to the conduct, administration, approval, and scope of the examination for licensure as an auctioneer; specifying that an auction may only be conducted by an active licensee; creating s. 468.3855, F.S.; providing requirements for auctioneer apprentices; amending s. 468.388, F.S.; adding requirements and responsibilities relating to the conduct of an auction; deleting exceptions from a requirement that auctions be conducted pursuant to a written agreement; amending s. 468.389, F.S.; providing for disciplinary action against licensees who fail to account for certain property; providing penalties; reenacting ss. 468.385(3)(b) and 468.391, F.S., relating to licensure as an auctioneer and to a criminal penalty, respectively, to incorporate the amendment to s. 468.389, F.S., in references thereto; amending s. 468.392, F.S.; authorizing the designee of the Secretary of Business and Professional Regulation to sign vouchers for payment or disbursement from the Auctioneer Recovery Fund; amending s. 468.395, F.S.; revising conditions of recovery from the Auctioneer Recovery Fund; providing for recovery from the fund pursuant to an order issued by the Florida Board of Auctioneers; deleting a requirement that notice be given to the board at the time action is commenced; providing limitations on bringing claims for certain acts; providing subrogation rights for the fund; amending s. 468.397, F.S., relating to payment of claim; correcting language; amending s. 468.433, F.S.; revising requirements for licensure as a community association manager, to include certain precensure education; providing for provider approval, including fees; repealing s. 468.525(3)(h), F.S., relating to a prohibition on employee leasing companies and groups from including employees who engage in services or arrangements that are not within the definition of employee leasing; amending s. 468.526, F.S.; modifying qualifications for licensure as an employee leasing company group; amending s. 468.531, F.S.; providing prohibitions against offering to practice employee leasing without being licensed and against the use of certain titles relating to employee leasing without being registered; providing penalties; amending s. 470.005, F.S.; providing rulemaking authority to the Board of Funeral Directors and Embalmers relating to inspection of direct disposal establishments, funeral establishments, and cinerary facilities and the records of each establishment or facility; amending s. 470.015, F.S.; requiring board approval of continuing education providers; revising provisions relating to continuing education hours; amending ss. 470.016 and 470.018, F.S.; revising provisions relating to continuing education hours; amending s. 470.017, F.S.; revising provisions relating to registration as a direct disposer, including fee-setting responsibility; prohibiting the department from issuing future registrations; amending s. 470.021, F.S.; prohibiting colocation of certain direct disposal establishments with more than one funeral establishment or direct disposal establishment; amending s. 470.028, F.S.; revising provisions relating to registration of agents for preneed sales; amending s. 470.0301, F.S.; revising provisions relating to registration of centralized embalming facilities to provide for operating procedures; providing requirements for full-time embalmers in charge; amending ss. 471.003, 471.0035, 471.011, 471.023, and 471.037, F.S.; updating references relating to regulation of engineering to incorporate provisions relating to the Florida Engineers Management Corporation and engineers performing building code inspector duties; amending s. 471.005, F.S.; defining the term "retired professional engineer"; updating references; amending s. 471.015, F.S.; revising educational requirements for licensure by endorsement; updating references; amending s. 471.017, F.S.; granting the Board of Professional Engineers rulemaking authority to establish biennial licensure renewal procedures; replacing continuing education provisions with provisions requiring a review and report on continuing education requirements in other jurisdictions; amending s. 471.019, F.S., to create s. 471.0195, F.S.; separating provisions relating to

building code training from provisions relating to licensure reactivation requirements; amending s. 471.025, F.S.; requiring final bid documents to be signed, dated, and sealed and authorizing the electronic transfer of such documents; amending s. 471.031, F.S.; providing a penalty for certain activities prohibited under ch. 471, F.S., relating to engineering; updating references; amending s. 474.202, F.S.; revising the definition of "veterinarian"; amending s. 474.203, F.S.; revising and providing exemptions from regulation under ch. 474, F.S., relating to veterinary medical practice; providing that certain exempt persons are duly licensed practitioners for purposes of prescribing drugs or medicinal supplies; amending s. 474.211, F.S.; providing that criteria for providers of continuing veterinary medical education shall be approved by the board; amending s. 474.214, F.S.; increasing the administrative fine; reenacting ss. 474.207(2) and 474.217(2), F.S., relating to licensure by examination and licensure by endorsement, to incorporate the amendment to s. 474.214, F.S., in references thereto; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians, but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.2165, F.S.; providing requirements with respect to ownership and control of veterinary medical patient records; providing for the furnishing of reports or copies of records; providing for participation of veterinarians in impaired practitioner treatment programs; amending s. 475.045, F.S.; abolishing the Florida Real Estate Commission Education and Research Foundation Advisory Committee and transferring its duties to the commission; amending s. 477.013, F.S.; revising the definition of "body wrapping"; amending s. 477.0132, F.S.; restricting to the Board of Cosmetology authority to review, evaluate, and approve courses required for hair braiding, hair wrapping, and body wrapping registration; exempting providers of such courses from certain licensure; amending s. 477.019, F.S.; revising requirements for licensure to practice cosmetology; providing fees; amending s. 477.0201, F.S.; revising requirements for registration as a specialist in a specialty practice within the practice of cosmetology; providing fees; amending ss. 492.101, 492.102, 492.104, 492.105, 492.108, 492.112, 492.113, 492.116, and 492.1165, F.S.; revising cross references; amending s. 492.107, F.S.; revising provisions relating to the use of seals by licensed geologists; amending s. 492.111, F.S.; providing requirements relating to geologists of record for firms, corporations, and partnerships; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 161855)

Amendment 1 (with title amendment)—On page 10, between lines 13 and 14, of the bill

insert:

Section 1. Subsection (5) of section 310.151, Florida Statutes, is amended to read:

310.151 Rates of pilotage; Pilotage Rate Review Board.—

(5)(a) In determining whether the requested rate change will result in fair, just, and reasonable rates, the board shall give primary consideration to the public interest in promoting and maintaining efficient, reliable, and safe piloting services. *The board shall also give consideration to the economic impact of total pilotage costs on the costs of shipping in Florida.*

(b) The board shall also give consideration to the following factors:

1. The public interest in having qualified pilots available to respond promptly to vessels needing their service.
2. A determination of the average net income of pilots in the port, including the value of all benefits derived from service as a pilot. For the

purposes of this subparagraph, "net income of pilots" refers to total pilotage fees collected in the port, minus reasonable operating expenses, divided by the number of licensed and active state pilots within the ports.

3. Reasonable operating expenses of pilots.
 4. Pilotage rates in other ports.
 5. The amount of time each pilot spends on actual piloting duty and the amount of time spent on other essential support services.
 6. The prevailing compensation available to individuals in other maritime services of comparable professional skill and standing as that sought in pilots, it being recognized that in order to attract to the profession of piloting, and to hold the best and most qualified individuals as pilots, the overall compensation accorded pilots should be equal to or greater than that available to such individuals in comparable maritime employment.
 7. The impact rate change may have in individual pilot compensation and whether such change will lead to a shortage of licensed state pilots, certificated deputy pilots, or qualified pilot applicants.
 8. Projected changes in vessel traffic, *including whether the impact rate change may reduce the number of vessels at the particular port.*
 9. Cost of retirement and medical plans.
 10. Physical risks inherent in piloting.
 11. Special characteristics, dangers, and risks of the particular port.
 12. *The rate of return based on the rate change.*
 13. *The total cost of pilotage on the cost of shipping at the particular port compared to the costs at other Florida ports and other states.*
- ~~14.12.~~ Any other factors the board deems relevant in determining a just and reasonable rate.

(c) The board may take into consideration the consumer price index or any other comparable economic indicator when fixing rates of pilotage; however, because the consumer price index or such other comparable economic indicator is primarily related to net income rather than rates, the board shall not use it as the sole factor in fixing rates of pilotage.

And the title is amended as follows:

On page 1, line 13, after the first semicolon,

insert: amending s. 310.151, F.S.; revising and providing factors to consider in the determination of rates of pilotage;

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

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 184731)

Amendment 2 (with title amendment)—On page 7, between lines 26 and 27, of the bill

insert:

Section 1. Paragraph (d) of subsection (3) of section 310.0015, Florida Statutes, is amended to read:

310.0015 Piloting regulation; general provisions.—

(3) The rate-setting process, the issuance of licenses only in numbers deemed necessary or prudent by the board, and other aspects of the economic regulation of piloting established in this chapter are intended to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns. This system of regulation benefits and protects the

public interest by maximizing safety, avoiding uneconomic duplication of capital expenses and facilities, and enhancing state regulatory oversight. The system seeks to provide pilots with reasonable revenues, taking into consideration the normal uncertainties of vessel traffic and port usage, sufficient to maintain reliable, stable piloting operations. Pilots have certain restrictions and obligations under this system, including, but not limited to, the following:

(d)1. The pilot or pilots in a port shall train and compensate all member deputy pilots in that port. Failure to train or compensate such deputy pilots shall constitute a ground for disciplinary action under s. 310.101. Nothing in this subsection shall be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

2. *The pilot or pilots in a port shall establish a competency-based mentor program by which minority persons, as defined in s. 288.703(3), may acquire the skills for the professional preparation and education competency requirements of a licensed state pilot or certificated deputy pilot. The department shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report each year on the number of minority persons, as defined in s. 288.703(3), who have participated in each mentor program, who are licensed state pilots or certificated deputy pilots, and who have applied for state pilot licensure or deputy pilot certification.*

And the title is amended as follows:

On page 1, line 4, after the semicolon,

insert: amending s. 310.0015, F.S.; requiring establishment of competency-based mentor programs for minority persons seeking to become a licensed state pilot or certificated deputy pilot; requiring an annual report thereon to the Governor and Legislature;

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1264, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator McKay—

SB 1264—A bill to be entitled An act providing for a study on children with developmental delays; providing purposes; providing for a commission and its membership, officers, and meetings; providing for the administration of the study and for staff and expenses; prescribing the components of the study; authorizing the employment of expert consultants; providing for advisory workgroups; requiring reports to the Legislature; providing an appropriation; providing for expiration of the act; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

Continuation of Special Orders

HB 2219 was taken up. On motion by Rep. Russell, the rules were suspended and—

SB 1264—A bill to be entitled An act providing for a study on children with developmental delays; providing purposes; providing for a commission and its membership, officers, and meetings; providing for the administration of the study and for staff and expenses; prescribing the components of the study; authorizing the employment of expert consultants; providing for advisory workgroups; requiring reports to the Legislature; providing an appropriation; providing for expiration of the act; providing an effective date.

—was substituted for HB 2219 and read the second time by title. Under Rule 50, the House bill was laid on the table and the Senate bill was referred to the Engrossing Clerk.

REPRESENTATIVE CRADY IN THE CHAIR

CS/HB 803—A bill to be entitled An act relating to children; providing legislative findings; creating the Blind Babies Program within the Division of Blind Services of the Department of Labor and Employment Security; providing for community-based early intervention education for certain children who are blind or visually impaired and for their parents, families, and caregivers; prescribing program emphasis; providing for eligibility and authorizing copayments; requiring development of program outcomes, contract criteria, and performance measures; requiring a program review and report by the Office of Program Policy Analysis and Government Accountability; providing an appropriation; providing an effective date.

—was read the second time by title.

On motion by Rep. Kelly, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Kelly offered the following:

(Amendment Bar Code: 791149)

Amendment 1 (with title amendment)—On page 3, between lines 26 and 27, of the bill

insert:

Section 4. *The Division of Blind Services of the Department of Labor and Employment Security shall recommend to the Legislature a method to privatize the business enterprise program established under s. 413.051 by creating a not-for-profit entity. The entity shall conform to requirements of the federal Randolph Sheppard Act and shall be composed of blind licensees with expertise in operating business enterprises. The division shall submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as well as to the appropriate substantive committees of the Legislature, by January 1, 2001.*

And the title is amended as follows:

On page 1, line 16, after the semicolon,

insert: requiring the Division of Blind Services to submit recommendations to the Legislature on a method of privatizing the business enterprise program established under s. 413.051, F.S.;

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 2037—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 20.42, F.S.; renaming and reorganizing the agency and removing it from under the Department of Business and Professional Regulation; creating the Department of Agency for Health Care Administration, also to be known as the Agency for Health Care Administration; providing for appointment of the Secretary for Health Care Administration by the Governor, subject to confirmation by the Senate; providing for responsibilities and administration of the department; transferring all powers, duties and functions, and funds of the Agency for Health Care Administration of the Department of Business and Professional Regulation to the Department of Agency for Health Care Administration; amending s. 440.134, F.S.; providing exclusive jurisdiction of the Department of Agency for Health Care Administration over workers' compensation managed care arrangements and investigations regarding medical services provided under such arrangements; providing for certain transfer of positions and funds from the Department of Labor and Employment Security; providing an effective date.

—was read the second time by title.

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 140067)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 20.42, Florida Statutes, is amended to read:

20.42 Agency for Health Care Administration.—

(1) There is created a department that, notwithstanding the provisions of subsection 20.04(1), shall be called the Agency for Health Care Administration within the Department of Business and Professional Regulation. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Business and Professional Regulation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2)(1) ~~DIRECTOR OF HEALTH CARE ADMINISTRATION.~~—The head of the department agency is the ~~Secretary~~ Director of Health Care Administration, who shall be appointed by the Governor, *subject to confirmation by the Senate.* The ~~secretary director~~ shall serve at the pleasure of and report to the Governor.

(3)(2) ~~ORGANIZATION OF THE AGENCY.~~—The department agency shall be the chief health policy and planning entity for the state. The department is responsible for health facility licensure, inspection, and regulatory enforcement; investigation of consumer complaints related to health care facilities and managed care plans; the implementation of the certificate of need program; the operation of the State Center for Health Statistics; the administration of the Medicaid program; the administration of the contracts with the Florida Healthy Kids Corporation; the certification of health maintenance organizations and prepaid health clinics as set forth in ch. 641, part III; and any other duties prescribed by statute or agreement. ~~organized as follows:~~

(a) ~~The Division of Health Quality Assurance, which shall be responsible for health facility licensure and inspection.~~

(b) ~~The Division of Health Policy and Cost Control, which shall be responsible for health policy, the State Center for Health Statistics, the development of The Florida Health Plan, certificate of need, state and local health planning under s. 408.033, and research and analysis.~~

(c) ~~The Division of State Health Purchasing shall be responsible for the Medicaid program. The division shall also administer the contracts with the Florida Health Access Corporation program and the Florida Health Care Purchasing Cooperative and the Florida Healthy Kids Corporation.~~

(d) ~~The Division of Administrative Services, which shall be responsible for revenue management, budget, personnel, and general services.~~

(3) ~~DEPUTY DIRECTOR FOR HEALTH QUALITY ASSURANCE.~~—The director shall appoint a Deputy Director for Health Quality Assurance who shall serve at the pleasure of, and be directly responsible to, the director. The Deputy Director for Health Quality Assurance shall be responsible for the Division of Health Quality Assurance.

(4) ~~DEPUTY DIRECTOR FOR HEALTH POLICY AND COST CONTROL.~~—The director shall appoint a Deputy Director for Health Policy and Cost Control who shall serve at the pleasure of, and be directly responsible to, the director. The Deputy Director for Health Policy and Cost Control shall be responsible for the Division of Health Policy and Cost Control.

(5) ~~DEPUTY DIRECTOR FOR STATE HEALTH PURCHASING.~~—The director shall appoint a Deputy Director for State Health Purchasing who shall serve at the pleasure of, and be directly

~~responsible to the director. The Deputy Director for State Health Purchasing shall be responsible for the Division of State Health Purchasing.~~

~~(6) DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES.—The director shall appoint a Deputy Director of Administrative Services who shall serve at the pleasure of, and be directly responsible to, the director. The deputy director shall be responsible for the Division of Administrative Services.~~

Section 2. Paragraph (a) of subsection (2) of section 440.134, Florida Statutes, is amended to read:

440.134 Workers' compensation managed care arrangement.—

(2)(a) The agency shall, ~~beginning April 1, 1994,~~ authorize an insurer to offer or utilize a workers' compensation managed care arrangement after the insurer files a completed application along with the payment of a \$1,000 application fee, and upon the agency's being satisfied that the applicant has the ability to provide quality of care consistent with the prevailing professional standards of care and the insurer and its workers' compensation managed care arrangement otherwise meets the requirements of this section. ~~Effective April 1, 1994,~~ No insurer may offer or utilize a managed care arrangement without such authorization. The authorization, unless sooner suspended or revoked, shall automatically expire 2 years after the date of issuance unless renewed by the insurer. The authorization shall be renewed upon application for renewal and payment of a renewal fee of \$1,000, provided that the insurer is in compliance with the requirements of this section and any rules adopted hereunder. An application for renewal of the authorization shall be made 90 days prior to expiration of the authorization, on forms provided by the agency. The renewal application shall not require the resubmission of any documents previously filed with the agency if such documents have remained valid and unchanged since their original filing. *The agency shall have exclusive jurisdiction over workers' compensation managed care arrangements and shall have exclusive authority to investigate the quality of medical services provided by a workers' compensation managed care arrangement. When reviewing the quality of medical services offered by or provided through a workers' compensation managed care arrangement, the agency shall only review issues related to the managed care arrangement as a whole, pertaining to the ability of the managed care arrangement to provide quality of care as required herein. The agency shall not interpret managed care arrangements pertaining to an individual employee.*

Section 3. Subsection (15) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(15) DEPARTMENT OF HEALTH.—Notwithstanding s. 120.57(1)(a), formal hearings may not be conducted by the Secretary of Health, the ~~Secretary of director of the Agency for Health Care Administration~~, or a board or member of a board within the Department of Health or the Agency for Health Care Administration for matters relating to the regulation of professions, as defined by part II of chapter 455. Notwithstanding s. 120.57(1)(a), hearings conducted within the Department of Health in execution of the Special Supplemental Nutrition Program for Women, Infants, and Children; Child Care Food Program; Children's Medical Services Program; and the exemption from disqualification reviews for certified nurse assistants program need not be conducted by an administrative law judge assigned by the division. The Department of Health may contract with the Department of Children and Family Services for a hearing officer in these matters.

Section 4. Paragraph (d) of subsection (4) of section 215.5601, Florida Statutes, is amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(4) LAWTON CHILES ENDOWMENT FUND; CREATION; PURPOSES AND USES.—

(d) The Secretary of Health, the Secretary of Children and Family Services, the Secretary of Elderly Affairs, and the ~~Secretary Director~~ of

Health Care Administration shall conduct meetings to discuss program priorities for endowment funding prior to submitting their budget requests to the Executive Office of the Governor and the Legislature. The purpose of the meetings shall be to gain consensus for priority requests and recommended endowment funding levels for those priority requests. An agency head may not designate a proxy for these meetings.

Section 5. Subsections (2), (3) and (7) of section 381.0602, Florida Statutes, are amended to read:

381.0602 Organ Transplant Advisory Council; membership; responsibilities.—

(2) The ~~Secretary Director~~ of Health Care Administration shall appoint all members of the council to serve a term of 2 years.

(3) The ~~Secretary Director~~ of Health Care Administration shall fill each vacancy on the council for the balance of the unexpired term. Priority consideration must be given to the appointment of an individual whose primary interest, experience, or expertise lies with clients of the Department of Health and the agency. If an appointment is not made within 120 days after a vacancy occurs on the council, the vacancy must be filled by the majority vote of the council.

(7) The council shall meet at least annually or upon the call of the chairperson or the ~~Secretary Director~~ of Health Care Administration.

Section 6. Subsection (1) of section 381.6023, Florida Statutes, is amended to read:

381.6023 Organ and Tissue Procurement and Transplantation Advisory Board; creation; duties.—

(1) There is hereby created the Organ and Tissue Procurement and Transplantation Advisory Board, which shall consist of 14 members who are appointed by and report directly to the ~~Secretary Director~~ of Health Care Administration. The membership must be regionally distributed and must include:

(a) Two representatives who have expertise in vascular organ transplant surgery;

(b) Two representatives who have expertise in vascular organ procurement, preservation, and distribution;

(c) Two representatives who have expertise in musculoskeletal tissue transplant surgery;

(d) Two representatives who have expertise in musculoskeletal tissue procurement, processing, and distribution;

(e) A representative who has expertise in eye and cornea transplant surgery;

(f) A representative who has expertise in eye and cornea procurement, processing, and distribution;

(g) A representative who has expertise in bone marrow procurement, processing, and transplantation;

(h) A representative from the Florida Pediatric Society;

(i) A representative from the Florida Society of Pathologists; and

(j) A representative from the Florida Medical Examiners Commission.

Section 7. Subsection (3) of section 381.90, Florida Statutes, is amended to read:

381.90 Health Information Systems Council; legislative intent; creation, appointment, duties.—

(3) The council shall be composed of the following members or their senior executive-level designees:

(a) The secretary of the Department of Health;

(b) The secretary of the Department of Business and Professional Regulation;

(c) The secretary of the Department of Children and Family Services;

(d) The ~~secretary of director of the Agency for Health Care Administration;~~

(e) The secretary of the Department of Corrections;

(f) The Attorney General;

(g) The executive director of the Correctional Medical Authority;

(h) Two members representing county health departments, one from a small county and one from a large county, appointed by the Governor;

(i) A representative from the Florida Association of Counties;

(j) The State Treasurer and Insurance Commissioner;

(k) A representative from the Florida Healthy Kids Corporation;

(l) A representative from a school of public health chosen by the Board of Regents;

(m) The Commissioner of Education;

(n) The secretary of the Department of Elderly Affairs; and

(o) The secretary of the Department of Juvenile Justice.

Representatives of the Federal Government may serve without voting rights.

Section 8. Paragraph (a) of subsection (1) of section 395.0163, Florida Statutes, is amended to read:

395.0163 Construction inspections; plan submission and approval; fees.—

(1)(a) The agency shall make, or cause to be made, such construction inspections and investigations as it deems necessary. The agency may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agency for preliminary inspection and approval or recommendation with respect to compliance with agency rules and standards. The agency shall approve or disapprove the plans and specifications within 60 days after receipt of the fee for review of plans as required in subsection (2). The agency may be granted one 15-day extension for the review period if the ~~secretary director~~ of the agency approves the extension. If the agency fails to act within the specified time, it shall be deemed to have approved the plans and specifications. When the agency disapproves plans and specifications, it shall set forth in writing the reasons for its disapproval. Conferences and consultations may be provided as necessary.

Section 9. Section 395.10972, Florida Statutes, is amended to read:

395.10972 Health Care Risk Manager Advisory Council.—The ~~Secretary Director~~ of Health Care Administration may appoint a five-member advisory council to advise the agency on matters pertaining to health care risk managers. The members of the council shall serve at the pleasure of the ~~secretary director~~. The council shall designate a chair. The council shall meet at the call of the ~~secretary director~~ or at those times as may be required by rule of the agency. The members of the advisory council shall receive no compensation for their services, but shall be reimbursed for travel expenses as provided in s. 112.061. The council shall consist of individuals representing the following areas:

(1) Two shall be active health care risk managers.

(2) One shall be an active hospital administrator.

(3) One shall be an employee of an insurer or self-insurer of medical malpractice coverage.

(4) One shall be a representative of the health-care-consuming public.

Section 10. Paragraph (h) of subsection (2) of section 400.0067, Florida Statutes, is amended to read:

400.0067 Establishment of State Long-Term Care Ombudsman Council; duties; membership.—

(2) The State Long-Term Care Ombudsman Council shall:

(h) Prepare an annual report describing the activities carried out by the ombudsman and the State Long-Term Care Ombudsman Council in the year for which the report is prepared. The State Long-Term Care Ombudsman Council shall submit the report to the Commissioner of the United States Administration on Aging, the Governor, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, the chairpersons of appropriate House and Senate committees, the Secretaries of Elderly Affairs and Children and Family Services, and the ~~Secretary Director~~ of Health Care Administration. The report shall be submitted at least 30 days before the convening of the regular session of the Legislature and shall, at a minimum:

1. Contain and analyze data collected concerning complaints about and conditions in long-term care facilities.

2. Evaluate the problems experienced by residents of long-term care facilities.

3. Contain recommendations for improving the quality of life of the residents and for protecting the health, safety, welfare, and rights of the residents.

4. Analyze the success of the ombudsman program during the preceding year and identify the barriers that prevent the optimal operation of the program. The report of the program's successes shall also address the relationship between the state long-term care ombudsman program, the Department of Elderly Affairs, the Agency for Health Care Administration, and the Department of Children and Family Services, and an assessment of how successfully the state long-term care ombudsman program has carried out its responsibilities under the Older Americans Act.

5. Provide policy and regulatory and legislative recommendations to solve identified problems; resolve residents' complaints; improve the quality of care and life of the residents; protect the health, safety, welfare, and rights of the residents; and remove the barriers to the optimal operation of the state long-term care ombudsman program.

6. Contain recommendations from the district ombudsman councils regarding program functions and activities.

7. Include a report on the activities of the legal advocate and other legal advocates acting on behalf of the district and state councils.

Section 11. Paragraph (a) of subsection (3) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(3)(a) The Gold Seal Program shall be developed and implemented by the Governor's Panel on Excellence in Long-Term Care which shall operate under the authority of the Executive Office of the Governor. The panel shall be composed of three persons appointed by the Governor, to include a consumer advocate for senior citizens and two persons with expertise in the fields of quality management, service delivery excellence, or public sector accountability; three persons appointed by the Secretary of Elderly Affairs, to include an active member of a nursing facility family and resident care council and a member of the University Consortium on Aging; the State Long-Term Care Ombudsman; one person appointed by the Florida Life Care Residents Association; one person appointed by the Secretary of Health; two persons appointed by the ~~Secretary Director~~ of Health Care Administration, to include the Deputy Director for State Health Purchasing; one person appointed by the Florida Association of Homes for the Aging; and one person appointed by the Florida Health Care Association. ~~All members of the panel shall be appointed by October 1,~~

1999, and the panel shall hold its organizational meeting no later than December 10, 1999. Vacancies on the panel shall be filled in the same manner as the original appointments. No member shall serve for more than 4 consecutive years from the date of appointment.

Section 12. Subsection (1) of section 400.4415, Florida Statutes, is amended to read:

400.4415 Assisted living facilities advisory committee.—

(1) There is created the assisted living facilities advisory committee, which shall assist the agency in developing and implementing a pilot rating system for facilities. The committee shall consist of nine members who are to be appointed by, and report directly to, the *secretary director* of the agency. The membership is to include:

- (a) One researcher from a university center on aging.
- (b) One representative from the Florida Health Care Association.
- (c) One representative from the Florida Assisted Living Association.
- (d) One representative from the Florida Association of Homes for the Aging.
- (e) One representative from the Agency for Health Care Administration.
- (f) One representative from the adult services program of the Department of Children and Family Services.
- (g) One representative from the alcohol, drug abuse, and mental health program of the Department of Children and Family Services.
- (h) One representative from the Department of Elderly Affairs.
- (i) One consumer representative from a district long-term care ombudsman council.

Section 13. Subsection (5) of section 400.967, Florida Statutes, is amended to read:

400.967 Rules and classification of deficiencies.—

(5) The agency shall approve or disapprove the plans and specifications within 60 days after receipt of the final plans and specifications. The agency may be granted one 15-day extension for the review period, if the *secretary director* of the agency so approves. If the agency fails to act within the specified time, it is deemed to have approved the plans and specifications. When the agency disapproves plans and specifications, it must set forth in writing the reasons for disapproval. Conferences and consultations may be provided as necessary.

Section 14. Subsection (3) of section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, supported by such documentation as the agency requires, the agency shall grant an exemption from the provisions of subsection (1):

- (a) For the initiation or expansion of obstetric services.
- (b) For any expenditure to replace or renovate any part of a licensed health care facility, provided that the number of licensed beds will not increase and, in the case of a replacement facility, the project site is the same as the facility being replaced.
- (c) For providing respite care services. An individual may be admitted to a respite care program in a hospital without regard to inpatient requirements relating to admitting order and attendance of a member of a medical staff.
- (d) For hospice services or home health services provided by a rural hospital, as defined in s. 395.602, or for swing beds in such rural hospital in a number that does not exceed one-half of its licensed beds.

(e) For the conversion of licensed acute care hospital beds to Medicare and Medicaid certified skilled nursing beds in a rural hospital as defined in s. 395.602, so long as the conversion of the beds does not involve the construction of new facilities. The total number of skilled nursing beds, including swing beds, may not exceed one-half of the total number of licensed beds in the rural hospital as of July 1, 1993. Certified skilled nursing beds designated under this paragraph, excluding swing beds, shall be included in the community nursing home bed inventory. A rural hospital which subsequently decertifies any acute care beds exempted under this paragraph shall notify the agency of the decertification, and the agency shall adjust the community nursing home bed inventory accordingly.

(f) For the addition of nursing home beds at a skilled nursing facility that is part of a retirement community that provides a variety of residential settings and supportive services and that has been incorporated and operated in this state for at least 65 years on or before July 1, 1994. All nursing home beds must not be available to the public but must be for the exclusive use of the community residents.

(g) For an increase in the bed capacity of a nursing facility licensed for at least 50 beds as of January 1, 1994, under part II of chapter 400 which is not part of a continuing care facility if, after the increase, the total licensed bed capacity of that facility is not more than 60 beds and if the facility has been continuously licensed since 1950 and has received a superior rating on each of its two most recent licensure surveys.

(h) For the establishment of a Medicare-certified home health agency by a facility certified under chapter 651; a retirement community, as defined in s. 400.404(2)(g); or a residential facility that serves only retired military personnel, their dependents, and the surviving dependents of deceased military personnel. Medicare-reimbursed home health services provided through such agency shall be offered exclusively to residents of the facility or retirement community or to residents of facilities or retirement communities owned, operated, or managed by the same corporate entity. Each visit made to deliver Medicare-reimbursable home health services to a home health patient who, at the time of service, is not a resident of the facility or retirement community shall be a deceptive and unfair trade practice and constitutes a violation of ss. 501.201-501.213.

(i) For the establishment of a Medicare-certified home health agency. This paragraph shall take effect 90 days after the adjournment sine die of the next regular session of the Legislature occurring after the legislative session in which the Legislature receives a report from the *Secretary Director* of Health Care Administration certifying that the federal Health Care Financing Administration has implemented a per-episode prospective pay system for Medicare-certified home health agencies.

(j) For an inmate health care facility built by or for the exclusive use of the Department of Corrections as provided in chapter 945. This exemption expires when such facility is converted to other uses.

(k) For an expenditure by or on behalf of a health care facility to provide a health service exclusively on an outpatient basis.

(l) For the termination of a health care service.

(m) For the delicensure of beds. An application submitted under this paragraph must identify the number, the classification, and the name of the facility in which the beds to be delicensed are located.

(n) For the provision of adult inpatient diagnostic cardiac catheterization services in a hospital.

1. In addition to any other documentation otherwise required by the agency, a request for an exemption submitted under this paragraph must comply with the following criteria:

- a. The applicant must certify it will not provide therapeutic cardiac catheterization pursuant to the grant of the exemption.
- b. The applicant must certify it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing such programs pursuant to subparagraph 2.

c. The applicant must certify it will provide a minimum of 2 percent of its services to charity and Medicaid patients.

2. The agency shall adopt licensure requirements by rule which govern the operation of adult inpatient diagnostic cardiac catheterization programs established pursuant to the exemption provided in this paragraph. The rules shall ensure that such programs:

a. Perform only adult inpatient diagnostic cardiac catheterization services authorized by the exemption and will not provide therapeutic cardiac catheterization or any other services not authorized by the exemption.

b. Maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. Maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. Maintain appropriate program volumes to ensure quality and safety.

e. Provide a minimum of 2 percent of its services to charity and Medicaid patients each year.

3.a. The exemption provided by this paragraph shall not apply unless the agency determines that the program is in compliance with the requirements of subparagraph 1. and that the program will, after beginning operation, continuously comply with the rules adopted pursuant to subparagraph 2. The agency shall monitor such programs to ensure compliance with the requirements of subparagraph 2.

b.(I) The exemption for a program shall expire immediately when the program fails to comply with the rules adopted pursuant to sub-subparagraphs 2.a., b., and c.

(II) Beginning 18 months after a program first begins treating patients, the exemption for a program shall expire when the program fails to comply with the rules adopted pursuant to sub-subparagraphs 2.d. and e.

(III) If the exemption for a program expires pursuant to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the agency shall not grant an exemption pursuant to this paragraph for an adult inpatient diagnostic cardiac catheterization program located at the same hospital until 2 years following the date of the determination by the agency that the program failed to comply with the rules adopted pursuant to subparagraph 2.

4. The agency shall not grant any exemption under this paragraph until the adoption of the rules required under this paragraph, or until March 1, 1998, whichever comes first. However, if final rules have not been adopted by March 1, 1998, the proposed rules governing the exemptions shall be used by the agency to grant exemptions under the provisions of this paragraph until final rules become effective.

(o) For any expenditure to provide mobile surgical facilities and related health care services under contract with the Department of Corrections or a private correctional facility operating pursuant to chapter 957.

(p) For state veterans' nursing homes operated by or on behalf of the Florida Department of Veterans' Affairs in accordance with part II of chapter 296 for which at least 50 percent of the construction cost is federally funded and for which the Federal Government pays a per diem rate not to exceed one-half of the cost of the veterans' care in such state nursing homes. These beds shall not be included in the nursing home bed inventory.

A request for exemption under this subsection may be made at any time and is not subject to the batching requirements of this section.

Section 15. Paragraph (a) of subsection (8) of section 408.05, Florida Statutes, is amended to read:

408.05 State Center for Health Statistics.—

(8) STATE COMPREHENSIVE HEALTH INFORMATION SYSTEM ADVISORY COUNCIL.—

(a) There is established in the agency the State Comprehensive Health Information System Advisory Council to assist the center in reviewing the comprehensive health information system and to recommend improvements for such system. The council shall consist of the following members:

1. An employee of the Executive Office of the Governor, to be appointed by the Governor.

2. An employee of the Department of Insurance, to be appointed by the Insurance Commissioner.

3. An employee of the Department of Education, to be appointed by the Commissioner of Education.

4. Ten persons, to be appointed by the ~~Secretary~~ Director of Health Care Administration, representing other state and local agencies, state universities, the Florida Association of Business/Health Coalitions, local health councils, professional health-care-related associations, consumers, and purchasers.

Section 16. Subsection (1) of section 408.902, Florida Statutes, is amended to read:

408.902 MedAccess program; creation; program title.—

(1) Effective July 1, 1994, there is hereby created the MedAccess program to be administered by the Agency for Health Care Administration. The MedAccess program shall not be subject to the requirements of the Department of Insurance or chapter 627. The ~~secretary~~ director of the agency shall appoint an administrator of the MedAccess program which shall be located in the Division of State Health Purchasing.

Section 17. Subsection (2) of section 409.8132, Florida Statutes, is amended to read:

409.8132 Medikids program component.—

(2) ADMINISTRATION.—The ~~secretary~~ director of the agency shall appoint an administrator of the Medikids program component, which shall be located in the Division of State Health Purchasing. The Agency for Health Care Administration is designated as the state agency authorized to make payments for medical assistance and related services for the Medikids program component of the Florida Kidcare program. Payments shall be made, subject to any limitations or directions in the General Appropriations Act, only for covered services provided to eligible children by qualified health care providers under the Florida Kidcare program.

Section 18. Subsection (1) of section 430.710, Florida Statutes, is amended to read:

430.710 Long-term care interagency advisory council.—

(1) The long-term care interagency advisory council is created within the Department of Elderly Affairs to advise the secretary of the department on matters related to the long-term care community diversion pilot projects. The department and the agency shall provide staff support to the council, as determined by the secretary of the department and the ~~secretary~~ director of the agency.

(a) The Secretary of the Department of Children and Family Services shall appoint four members, one each to represent the following:

1. Consumers, or family or guardians of consumers, of optional state supplementation, adult protective services, developmental services, or mental health services from the department.

2. Providers of community-based services.

3. Consumer advocacy organizations.

4. Consumers, or representatives of consumers, who have nonage related physical disabilities.

(b) The Secretary of the Department of Elderly Affairs shall appoint five members, one each to represent the following:

1. The nursing home industry.
2. The assisted living industry.
3. Consumers of long-term care services.
4. Providers of community-based services.
5. Area Agencies on Aging.

(c) The Commissioner of Insurance shall appoint one member to represent the insurance industry.

(d) The ~~Secretary of~~ ~~Director of the Agency for~~ Health Care Administration shall appoint three members, one each to represent the following:

1. The hospital industry.
2. The home health industry.
3. Health maintenance organizations.

Section 19. Paragraph (c) of subsection (4) of section 478.44, Florida Statutes, is amended to read:

478.44 Electrolysis Council; creation; function; powers and duties.—
(4)

(c) Unless otherwise provided by law, a council member shall be compensated \$50 for each day the member attends an official meeting of the council or participates in official council business. A council member is also entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state requires the prior approval of the ~~Secretary Director~~ of Health Care Administration.

Section 20. Subsection (3) of section 627.4236, Florida Statutes, is amended to read:

627.4236 Coverage for bone marrow transplant procedures.—

(3)(a) The Agency for Health Care Administration shall adopt rules specifying the bone marrow transplant procedures that are accepted within the appropriate oncological specialty and are not experimental for purposes of this section. The rules must be based upon recommendations of an advisory panel appointed by the ~~secretary director~~ of the agency, composed of:

1. One adult oncologist, selected from a list of three names recommended by the Florida Medical Association;
2. One pediatric oncologist, selected from a list of three names recommended by the Florida Pediatric Society;
3. One representative of the J. Hillis Miller Health Center at the University of Florida;
4. One representative of the H. Lee Moffitt Cancer Center and Research Institute, Inc.;
5. One consumer representative, selected from a list of three names recommended by the Insurance Commissioner;
6. One representative of the Health Insurance Association of America;
7. Two representatives of health insurers, one of whom represents the insurer with the largest Florida health insurance premium volume and one of whom represents the insurer with the second largest Florida health insurance premium volume; and
8. One representative of the insurer with the largest Florida small group health insurance premium volume.

(b) The director shall also appoint a member of the advisory panel to serve as chairperson.

(c) The agency shall provide, within existing resources, staff support to enable the panel to carry out its responsibilities under this section.

(d) In making recommendations and adopting rules under this section, the advisory panel and the director shall:

1. Take into account findings, studies, or research of the federal Agency for Health Care Policy, National Cancer Institute, National Academy of Sciences, Health Care Financing Administration, and Congressional Office of Technology Assessment, and any other relevant information.

2. Consider whether the federal Food and Drug Administration or National Cancer Institute are conducting or sponsoring assessment procedures to determine the safety and efficacy of the procedure or substantially similar procedures, or of any part of such procedures.

3. Consider practices of providers with respect to requesting or requiring patients to sign a written acknowledgment that a bone marrow transplant procedure is experimental.

(e) The advisory panel shall conduct, at least biennially, a review of scientific evidence to ensure that its recommendations are based on current research findings and that insurance policies offer coverage for the latest medically acceptable bone marrow transplant procedures.

Section 21. Section 641.454, Florida Statutes, is amended to read:

641.454 Civil action to enforce prepaid health clinic contract; attorney's fees; court costs.—In any civil action brought to enforce the terms and conditions of a prepaid health clinic contract, the prevailing party is entitled to recover reasonable attorney's fees and court costs. This section shall not be construed to authorize a civil action against the department, its employees, or the Insurance Commissioner and Treasurer or against the Agency for Health Care Administration, the employees of the Agency for Health Care Administration, or the ~~Secretary Director~~ of Health Care Administration.

Section 22. Paragraph (f) of subsection (6) of section 641.60, Florida Statutes, is amended to read:

641.60 Statewide Managed Care Ombudsman Committee.—

(6) The statewide committee or a member of the committee:

(f) Shall conduct meetings at least two times a year at the call of the chairperson and at other times at the call of the ~~secretary of the agency director~~ or by written request of three members.

Section 23. Subsection (3) of section 641.70, Florida Statutes, is amended to read:

641.70 Agency duties relating to the Statewide Managed Care Ombudsman Committee and the district managed care ombudsman committees.—

(3) The ~~secretary director~~ of the agency shall ensure the full cooperation and assistance of agency employees with members of the statewide committee and district committees.

Section 24. Subsections (3) and (5) of section 732.9216, Florida Statutes, are amended to read:

732.9216 Organ and tissue donor education panel.—

(3) All members of the panel shall be appointed by the ~~Secretary Director~~ of Health Care Administration to serve a term of 2 years, except that, initially, six members shall be appointed for 1-year terms and six members shall be appointed for 2-year terms.

(5) The panel shall meet at least semiannually or upon the call of the chairperson or the ~~Secretary Director~~ of Health Care Administration.

Section 25. *Section 408.001, Florida Statutes, is repealed effective December 31, 2000, or upon dissolution of the Florida Health Care Purchasing Cooperative, whichever occurs first.*

Section 26. *All powers, duties, and functions and rules, records, personnel, property, and unexpended balances of appropriations,*

allocations, or other funds of the Agency for Health Care Administration within the Department of Business and Professional Regulation are transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, to the Agency for Health Care Administration, as created by this act.

Section 27. Twenty full-time-equivalent positions and \$686,835 in salaries and benefits, and \$135,138 in expenses, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Health Care Administration to carry out the agency's responsibilities under sections 440.13 and 440.134, Florida Statutes, relating to workers' compensation managed care arrangements.

Section 28. This act shall take effect October 1, 2000.

And the title is amended as follows:

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

and insert in lieu thereof: An act relating to the Agency for Health Care Administration; amending s. 20.42, F.S.; designating the agency as a department; reorganizing the agency and removing it from under the Department of Business and Professional Regulation; providing for appointment of the Secretary of Health Care Administration by the Governor, subject to confirmation by the Senate; providing for responsibilities and administration of the department; amending s. 440.134, F.S.; providing exclusive jurisdiction of the Agency for Health Care Administration over workers' compensation managed care arrangements and exclusive authority to investigate medical services provided under such arrangements; limiting the agency's duties relating to quality of medical care; amending ss. 120.80, 215.5601, 381.6023, 381.90, 395.0163, 395.10972, 400.0067, 400.235, 400.4415, 400.967, 408.036, 408.05, 408.902, 409.8132, 430.710, 478.44, 627.4236, 641.454, 641.60, 641.70, 732.9216, to conform provisions to changes made by the act; repealing s. 408.001, F.S., relating to the Florida Health Care Purchasing Cooperative; providing for repeal on a date certain or upon the occurrence of a contingency; transferring all powers, duties, and functions and funds of the Agency for Health Care Administration of the Department of Business and Professional Regulation to the new department; providing for certain transfer of positions and funds from the Department of Labor and Employment Security; providing an effective date.

Rep. Farkas moved the adoption of the amendment.

The Committee on Governmental Operations offered the following:
(Amendment Bar Code: 073049)

Amendment 1 to Amendment 1—On page 5, line 3,
remove from the amendment: *pertaining*
and insert in lieu thereof: *as they pertain*

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

The Committee on Governmental Operations offered the following:
(Amendment Bar Code: 484477)

Amendment 2 to Amendment 1—On page 26, line 6,
remove from the amendment: *440.13*
and insert in lieu thereof: *440.13(1)(m), 440.13(15), 440.132,*

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

The Committee on Governmental Operations offered the following:
(Amendment Bar Code: 292927)

Amendment 3 to Amendment 1—On page 12, lines 15 and 16,
remove from the amendment: all of said lines

and insert in lieu thereof: ~~Director of Health Care Administration, to include the Deputy Director for State Health Purchasing~~; one person appointed by

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

The Committee on Governmental Operations offered the following:
(Amendment Bar Code: 700237)

Amendment 4 to Amendment 1—On page 20, lines 12 and 13,
remove from the amendment: all of said lines

and insert in lieu thereof: appoint an administrator of the MedAccess program ~~which shall be located in the Division of State Health Purchasing.~~

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

The Committee on Governmental Operations offered the following:
(Amendment Bar Code: 303067)

Amendment 5 to Amendment 1—On page 20, lines 19 and 20,
remove from the amendment: all of said lines

and insert in lieu thereof: ~~component, which shall be located in the Division of State Health Purchasing.~~ The Agency for Health Care Administration

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

Representative(s) Albright offered the following:
(Amendment Bar Code: 845309)

Amendment 6 to Amendment 1 (with title amendment)—On page 1, between lines 16 and 17, of the amendment
insert:

Section 1. *PUBLIC CORD BLOOD TISSUE BANK.*—

(1) *There is established a statewide consortium to be known as the Public Cord Blood Tissue Bank. The Public Cord Blood Tissue Bank is established as a nonprofit legal entity to collect, screen for infectious and genetic diseases, perform tissue typing, cryopreserve, and store umbilical cord blood as a resource to the public. The University of Florida, the University of South Florida, the University of Miami, and the Mayo Clinic, Jacksonville shall jointly form the collaborative consortium, each working with community resources such as regional blood banks, hospitals, and other health care providers to develop local and regional coalitions for the purposes set forth in this act. The consortium participants shall align their outreach programs and activities to all geographic areas of the state, covering the entire state. The consortium is encouraged to conduct outreach and research for Hispanics, African Americans, Native Americans, and other ethnic and racial minorities.*

(2) *The Agency for Health Care Administration shall develop and make available to all health care providers information relating to and standardized release forms for donation of umbilical cord blood. The agency and the Department of Health shall encourage health care providers, including, but not limited to, hospitals, birthing facilities, county health departments, physicians, midwives, and nurses, to disseminate information about the Public Cord Blood Tissue Bank.*

(3) *The Agency for Health Care Administration shall develop training materials for agencies and state employees working with pregnant women to educate and inform pregnant women about the public cord blood tissue bank program.*

(4) *All state-funded health care programs providing education or services to pregnant women shall provide information on the Public Cord Blood Tissue Bank program. Information regarding this program shall be provided by, but not be limited to, the Healthy Start program, county health departments, Medicaid, and MediPass.*

(5) *Nothing in this act creates a requirement of any health care or services program that is directly affiliated with a bona fide religious denomination that includes as an integral part of its beliefs and practices the tenet that blood transfer is contrary to the moral principles the denomination considers to be an essential part of its beliefs.*

(6) *Any health care facility or health care provider receiving financial remuneration for the collection of umbilical cord blood shall provide written disclosure of this information to any woman postpartum or parent of a newborn from whom the umbilical cord blood is collected prior to the harvesting of the umbilical cord blood.*

(7) *All women admitted to a hospital or birthing facility for obstetrical services may be offered the opportunity to donate umbilical cord blood to the Public Cord Blood Tissue Bank. No woman shall be required to make such a donation.*

(8) *The consortium may charge reasonable rates and fees to recipients of cord blood tissue bank products.*

And the title is amended as follows:

On page 26, lines 18 and 19, of the amendment remove: all of said lines

and insert in lieu thereof: An act relating to health care; creating the Public Cord Blood Tissue Bank as a statewide consortium; providing purposes, membership, and duties of the consortium; providing duties of the Agency for Health Care Administration; providing requirements of specified state-funded health care programs; providing an exception from provisions of the act; requiring specified written disclosure by certain health care facilities and providers; specifying that donation under the act is voluntary; authorizing the consortium to charge fees; amending s. 20.42, F.S.;

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

Further consideration of **Amendment 6 to Amendment 1** was temporarily postponed under Rule 141.

Further consideration of **HB 2037**, with pending amendments, was temporarily postponed under Rule 141.

HB 2189—A bill to be entitled An act relating to underground facilities; amending s. 556.105, F.S.; requiring hand digging or vacuum excavation of certain areas for certain purposes prior to any excavation or demolition; providing additional requirements; amending s. 556.107, F.S.; specifying an additional noncriminal infraction; providing a penalty; amending s. 556.108, F.S.; providing an additional exception to certain notice requirements for certain excavations; providing an effective date.

—was read the second time by title.

The Committee on Utilities & Communications offered the following:
(Amendment Bar Code: 641389)

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

Section 1. Subsection (1) of section 556.108, Florida Statutes, is amended to read:

556.108 Exemptions.—The notification requirements provided in s. 556.105(1) do not apply to:

(1) Any excavation or demolition performed by *or for* the owner of single-family residential property when such excavation or demolition is made entirely on such land, provided there is no encroachment on any member operator's right-of-way, easement, or permitted use.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 3-12

remove from the title of the bill: all said lines

and insert in lieu thereof: 556.108, F.S.; providing performing the demolition or excavation for single family residential property; providing an effective date.

Rep. Dockery moved the adoption of the amendment.

Representative(s) Dockery offered the following:

(Amendment Bar Code: 740455)

Substitute Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (1) of section 556.108, Florida Statutes, is amended to read:

556.108 Exemptions.—The notification requirements provided in s. 556.105(1) do not apply to:

(1) Any excavation or demolition performed by the owner of single-family residential property; *or for such owner by a member operator or an agent of a member operator* when such excavation or demolition is made entirely on such land, *and only up to a depth of 10 inches*; provided *due care is used* and there is no encroachment on any member operator's right-of-way, easement, or permitted use.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 3 through 12

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

and insert in lieu thereof: amending s. 556.108, F.S.; providing for exemptions for the excavation or demolition of single family residential property; providing an effective date.

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 1725—A bill to be entitled An act relating to debtors and creditors; amending s. 30.17, F.S.; providing for phaseout of sheriff's execution docket; amending s. 30.231, F.S.; clarifying seizure of property for levy; amending s. 55.10, F.S.; increasing the time period to rerecord a lien in order to get the lien extended for a certain time; providing for application; creating s. 55.201, F.S.; requiring the Department of State to establish a database of judgment lien records; creating s. 55.202, F.S.; providing for acquisition of a judgment lien on personal property; creating s. 55.203, F.S.; providing requirements for the content, recording, and indexing of judgment lien certificates by the Department of State; creating s. 55.204, F.S.; providing for lapse of a judgment lien; providing for acquisition of a second judgment lien; creating s. 55.205, F.S.; providing for the effect of a judgment lien; creating s. 55.206, F.S.; providing for amendment, termination, partial release, assignment, continuation, tolling, or correction of a recorded judgment lien; creating s. 55.207, F.S.; providing for filing and effect of a correction statement as to a judgment lien record; creating s. 55.208, F.S.; providing for phaseout of the effect of writs of execution delivered to a sheriff prior to a date certain; creating s. 55.209, F.S.; providing for the responsibilities of the Department of State and for filing fees; amending s. 55.604, F.S.; eliminating requirement for the filing of a foreign judgment with the Department of State; conditioning the effect of a foreign judgment as a lien on personal property in this state based on the recording of a lien certificate; amending s. 56.21, F.S.; providing for notice of levy and execution sale and affidavit of levying creditor to judgment creditors and certain secured creditors; amending s. 56.27, F.S.; providing for distribution of money collected under execution; amending s. 56.29, F.S.; clarifying who may file an affidavit for purposes of supplementary proceedings; amending s. 77.01, F.S.; providing entities with right to writ of garnishment; creating s. 77.041, F.S.; providing for notice of

procedures for asserting exemptions and requesting a hearing; amending s. 77.055, F.S.; clarifying requirements for service of garnishee's answer and notice of right to dissolve writ of garnishment; amending s. 77.06, F.S.; providing for creation of judgment lien upon service of writ of garnishment; amending s. 222.01, F.S.; revising provisions relating to designation of homestead by the owner before levy; providing procedures; amending s. 222.12, F.S.; providing for taking of oath before notary public regarding exemptions from garnishment; amending s. 679.301, F.S.; revising the definition of a lien creditor; providing appropriations from the Corporations Trust Fund in the Department of State; amending s. 607.1901, F.S.; providing for the transfer of funds from the Corporations Trust Fund; providing effective dates.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 2325—A bill to be entitled An act relating to postprison supervision; creating the "Mandatory Postprison Supervision Act of 2000"; amending ss. 20.055, 186.003, and 255.502, F.S.; deleting Parole Commission from the definition of "state agency" for purposes of agency inspectors general, the Florida State Comprehensive Planning Act of 1972, and the Florida Building and Facilities Act; amending s. 186.005, F.S., relating to designation of departmental planning officer in state agencies, to conform; amending ss. 20.315, 20.32, 23.21, 112.011, 216.0172, 322.16, 394.926, 394.927, 775.089, 775.16, 784.07, 843.01, 843.02, 843.08, 893.11, 921.001, 921.16, 921.20, 921.21, 921.22, 940.03, 940.05, 941.23, 943.06, 943.325, 944.012, 944.02, 944.024, 944.23, 944.605, 945.091, 945.10, 945.25, 945.47, 945.73, 947.005, 947.01, 947.02, 947.021, 947.022, 947.03, 947.05, 947.06, 947.07, 947.071, 947.10, 947.11, 947.146, 947.149, 947.15, 947.16, 947.165, 947.168, 947.172, 947.173, 947.174, 947.1745, 947.1746, 947.1747, 947.175, 947.177, 947.18, 947.181, 947.185, 947.19, 947.20, 947.21, 947.22, 947.23, 947.24, 947.26, 948.09, 948.10, 949.05, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.05, F.S.; renaming the Parole Commission as the Parole Board; renaming chapter 947, F.S., to conform; amending ss. 775.21, 921.0017, and 948.04, F.S.; conforming cross references to changes made by the act; amending ss. 921.187 and 944.291, F.S.; requiring mandatory postprison probation for certain offenders; amending s. 944.28, F.S.; revising language relating to forfeiture of gain-time; amending s. 947.002, F.S.; removing administrative responsibilities from the board; amending s. 947.04, F.S.; removing administrative responsibilities from the board and providing for certain administrative support to the board by the Department of Corrections; amending s. 947.12, F.S.; requiring bills for board members' travel expenses to be submitted to the department; authorizing reimbursement for per diem and travel expenses for members of the parole qualifications committee; amending s. 947.13, F.S.; requiring the Department of Juvenile Justice to cooperate with the board in certain investigations; amending s. 947.1405, F.S.; providing responsibilities of the department with regard to the conditional release program; requiring the board to review department recommendations; revising provisions relating to mandatory curfews for persons under conditional release supervision; providing for court-ordered electronic monitoring of persons under conditional release supervision; providing conditions for revocation of conditional release and mandatory postprison probation, and forfeiture of gain-time; prohibiting placing offenders on conditional release supervision for convictions with offense dates on or after July 1, 2000; amending s. 947.141, F.S.; providing a timeframe for applicability of said section to violations of conditional release; providing circumstances for certain hearings in circuit courts; amending s. 948.001, F.S.; adding definitions of "department" and "mandatory postprison probation"; amending s. 948.01, F.S.; requiring court-ordered mandatory postprison probation for certain defendants; amending s. 948.03, F.S.; revising terms and conditions of probation and community control to require court-ordered mandatory postprison probation for certain defendants; specifying conditions of supervision; providing for calculation of date of termination of postprison probation; authorizing the court to impose a split sentence in addition to postprison probation; amending s. 948.06, F.S.; revising provisions relating to violation of probation and community control to include violations of conditional release; providing circumstances for revocation of conditional release

and postprison probation and forfeiture of gain-time under certain circumstances; providing circumstances for certain hearings in circuit courts; authorizing the court to continue, modify, or revoke terms and conditions of conditional release; repealing s. 947.135, F.S., the Mutual Participation Program Act of 1976; repealing s. 958.15, F.S., relating to mutual participation agreements; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice Appropriations offered the following:

(Amendment Bar Code: 805921)

Amendment 1 (with title amendment)—On page 122, line 17 remove from the bill: all of said line

and insert in lieu thereof:

Section 104. (1) *The Florida Corrections Commission shall research the impact of the provisions of this act, including the fiscal impact on the state courts, the Department of Corrections, the Florida Parole Commission, state prosecutors, and public defenders. The report shall identify any potential savings resulting from the reorganization of the Florida Parole Commission as provided in this act, and shall compare such benefits and savings to the estimated costs of providing mandatory postprison supervision for all state prisoners released after July 1, 2001. In addition, the report shall identify all benefits to public safety that result from requiring mandatory postprison probation for all state prisoners. In preparing its report, the Florida Corrections Commission shall consult with the House Committee on Criminal Justice Appropriations, the House Criminal Justice and Corrections Council, the Senate Committee on Criminal Justice, the Subcommittee on Public Safety and Judiciary of the Senate Budget Committee, the Executive Office of the Governor, the Department of Legal Affairs, the Office of the State Courts Administrator, the Florida Sheriffs Association, the Florida Prosecuting Attorneys Association, the Florida Public Defenders Association, the Florida Parole Commission, the Department of Corrections, and any other appropriate entities or persons. The Florida Corrections Commission shall submit a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than November 1, 2000*

(2) *This section shall take effect upon becoming a law.*

Section 105. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 4, line 4 remove from the title of the bill: all of said line

and insert in lieu thereof: requiring the Florida Corrections Commission to perform a study; requiring a report; providing effective dates.

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

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 504865)

Amendment 2—On page 42, line 7, of the bill after "is"

insert: *not*

Rep. Posey moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 504873)

Amendment 3—On page 39, between lines 12 and 13, of the bill

insert: (2) *The renaming of the Parole Commission to the Parole Board does not affect the terms of the commissioners in place on June 30,*

2000, and those persons shall be permitted to remain in office as Parole Board members through the remainder of their established terms. No board member vacancy is created due to the passage of this act.

(3) *The Department of Corrections shall make efforts to hire Parole Commission staff displaced by this act to the extent that such staff meet the minimum qualifications for the applicable Department of Corrections positions.*

Rep. Posey moved the adoption of the amendment. Subsequently, **Amendment 3** was withdrawn.

Representative(s) Trovillion offered the following:

(Amendment Bar Code: 074869)

Amendment 4 (with title amendment)—On page 4, line 7, remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *The Florida Corrections Commission shall research the impact of House Bill 2325 as reported favorably with amendments by the House Committee on Governmental Operations on April 17, 2000 including the fiscal impact of that bill on the state court system, the Department of Corrections, the Florida Parole Commission, county detention facilities, state prosecutors and public defenders. The report shall identify any potential savings resulting from the reorganization of the Florida Parole Commission in House Bill 2325. The report shall identify any benefits and savings which could result from the Parole Commission reorganization and compare any such savings to the estimated costs of providing mandatory post-prison supervision for all state prisoners released under the provisions of the proposed legislation. In addition, the report shall identify any public-safety benefits of requiring mandatory post-prison probation for all state prisoners.*

In preparing its report, the Florida Corrections Commission shall consult with the House Criminal Justice Appropriations Committee, the House Criminal Justice and Corrections Council, the House Committee on Corrections, the Senate Criminal Justice Committee, the Senate Fiscal Group, the Executive Office of the Governor, the Department of Legal Affairs, the Office of the State Courts Administrator, the Florida Sheriff's Association, the Florida Prosecuting Attorneys Association, the Public Defender Association the Florida Parole Commission, the Department of Corrections, and any other appropriate entities or persons. The Florida Corrections Commission shall submit a final report to the Executive Office of the Governor, the Speaker of the House and the President of Senate no later than December 1, 2000.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 2,

remove from the title of the bill: the entire title

and insert in lieu thereof: An act relating to post prison release; providing for a study to be conducted; providing an effective date.

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/CS/HBs 63 & 77 and 891, 995, 2009 and 2135—A bill to be entitled An act relating to teacher quality; providing a short title; amending s. 20.15, F.S.; renaming the Division of Human Resource Development within the Department of Education as the Division of Professional Educators; amending s. 230.23, F.S., relating to powers and duties of the school board; clarifying procedures for filling positions within the district; requiring a district school board to consider certain prior professional experience when determining the salaries of instructional personnel; revising the date by which the salary schedule adopted by the district school board must include performance-based pay; clarifying requirements for performance-based pay policies; requiring each school district with a school designated as performance grade category "F" to permit transfer of teachers with certain

qualifications and providing supplements for those teachers; requiring the Commissioner of Education to adopt rules to define "teaching mastery"; correcting an obsolete cross reference; conforming terminology; amending s. 230.303, F.S.; replacing references to the Florida Council on Educational Management with the Department of Education; amending s. 230.33, F.S., relating to duties and responsibilities of superintendents of schools; requiring that nominations of persons to fill instructional positions within the district be based on recommendations received from principals of the respective schools; conforming terminology; amending s. 231.001, F.S., relating to school district personnel policies; revising language; amending s. 231.002, F.S.; revising legislative findings regarding the qualities of effective educators; amending s. 231.02, F.S.; revising language; conforming terminology; amending s. 231.045, F.S., relating to periodic criminal history record checks; revising language; amending s. 231.085, F.S., relating to duties of principals; assigning responsibility for making recommendations to the superintendent of schools regarding the employment of instructional personnel; requiring principals to assist teachers with the diagnostic use of certain student assessment data; conforming terminology; repealing s. 231.0861, F.S., relating to the selection of principals and assistant principals; repealing s. 231.087, F.S., relating to the Management Training Act, the Florida Council on Educational Management, the Florida Academy for School Leaders, and the Center for Interdisciplinary Advanced Graduate Study; amending s. 231.09, F.S., relating to duties of instructional personnel; conforming terminology; revising language; amending s. 231.095, F.S.; clarifying provisions relating to assignment of teachers out-of-field; providing alternative means for an assignment to be considered in-field; amending s. 231.096, F.S., relating to teachers teaching out-of-field; conforming terminology; revising language; amending s. 231.141, F.S., relating to education paraprofessionals; conforming terminology; revising language; amending s. 231.143, F.S., relating to education paraprofessional career development; deleting legislative findings and intent; conforming terminology; amending s. 231.15, F.S., relating to positions for which certificates are required; deleting requirements for rules adopted by the State Board of Education relating to teacher certification; conforming terminology; revising requirements for exemption of retired military from certain requirements for teacher certification; amending s. 231.17, F.S., relating to teacher certification requirements; providing for application; establishing eligibility criteria; providing requirements for mastery of general knowledge; providing requirements for mastery of subject area knowledge; providing requirements for mastery of professional preparation and education competence; providing types and terms of certification; establishing a professional preparation and education competency program; providing requirements for examinations; providing requirements for the certification of noncitizens; providing for the denial of a certificate; authorizing the adoption of rules; specifying that persons who apply for certification are to be governed by the law and rules in effect at the time of application; requiring the department to keep certain records for persons to whom a certificate is issued; specifying the authority of the commissioner to make certain decisions relating to certification; requiring the department to conduct a study; amending s. 231.1715, F.S., relating to confidentiality of examinations; deleting an obsolete cross reference; amending s. 231.1725, F.S.; including career specialists in provisions relating to the employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and students performing clinical field experience; conforming terminology; repealing s. 231.173, F.S., relating to successful experienced out-of-state teachers and administrators; amending s. 231.24, F.S., relating to the process for the renewal of professional certificates; authorizing the State Board of Education to establish the amount of the fee for renewal of a certificate; clarifying provisions relating to extending the validity period of a professional certificate based on national certification; conforming terminology; revising a cross reference; deleting provisions relating to renewal of a specialization area based on completion of a department-approved summer work program; amending s. 231.261, F.S., relating to the Education Practices Commission; revising language; revising the membership of the commission; revising the composition of panels appointed to review and issue final orders on cases before the commission; deleting a limitation on the number of such panels; specifying that a majority of a quorum of a panel has final authority in

certain cases; conforming terminology; amending s. 231.262, F.S., relating to complaints against teachers; revising language; correcting a cross reference; amending s. 231.263, F.S., relating to the recovery network program for educators; revising language; providing requirements for the participation of certain persons; renumbering and amending s. 231.28, F.S., relating to the Education Practices Commission; revising language; conforming terminology; requiring the revocation of an individual's certificate for a minimum of 1 year under certain circumstances; amending s. 231.29, F.S., relating to instructional personnel assessment procedures; conforming terminology; correcting a cross reference; amending s. 231.2905, F.S., relating to the Florida School Recognition Program; clarifying provisions relating to financial awards; amending s. 231.30, F.S., relating to certification fees; revising a fee limitation; requiring each examination fee to sufficiently cover the actual cost of developing and administering the examination; amending s. 231.3505, F.S., relating to the employment of directors of career education; conforming terminology; revising language; amending s. 231.36, F.S., relating to contracts with instructional staff, supervisors, and principals; conforming terminology; amending s. 231.3605, F.S., relating to educational support employees; conforming terminology; reenacting s. 231.361, F.S., relating to the status of vocational teachers; amending s. 231.39, F.S., relating to provisions for leaves of absence; conforming terminology; revising language; amending s. 231.40, F.S., relating to sick leave; conforming terminology; revising language; amending s. 231.41, F.S., relating to leave for illness-in-line-of-duty; conforming terminology; revising language; amending s. 231.424, F.S., relating to sabbatical leave; conforming terminology; amending s. 231.434, F.S., relating to annual leave; revising language; amending s. 231.44, F.S., relating to absence without leave; conforming terminology; amending s. 231.45, F.S., relating to records of absences; conforming terminology; amending s. 231.47, F.S., relating to substitute teachers; conforming terminology; amending s. 231.471, F.S., relating to part-time teachers; revising language; conforming terminology; amending s. 231.481, F.S., relating to terminal pay for accrued vacation leave; conforming terminology; amending s. 231.495, F.S., relating to retirement annuities; revising language; amending s. 231.545, F.S., relating to the Education Standards Commission; revising language; conforming terminology; amending s. 231.546, F.S., relating to the Education Standards Commission; revising language; amending s. 231.600, F.S., relating to the School Community Professional Development Act; revising who is included in a school community for purposes of the act; expanding activities to include continuous support for all education professionals; clarifying responsibilities of the Department of Education, school districts, schools, and public colleges and universities; requiring revisions to district professional development systems to be approved by the department; providing additional performance indicators for identification of school and student needs; providing requirements for inservice activities for instructional personnel; requiring district professional development systems to include a master plan for inservice activities which must be updated and submitted to the commissioner annually; requiring each school's principal to establish and maintain an individual professional development plan for each instructional employee; providing requirements for individual professional development plans; requiring the Department of Education to provide a system for the recruitment, preparation, and professional development of school administrative personnel; providing requirements for the system; requiring the Commissioner of Education to appoint a task force to provide certain recommendations; providing for membership of the task force; clarifying funding requirements; authorizing the provision of inservice activities to certain instructional personnel on a fee basis; authorizing the development of professional development systems by certain organizations of nonpublic schools; providing for determination of best practices; clarifying provisions relating to required changes in profession development based on lack of student progress; providing a cross reference; revising language; conforming terminology; amending s. 231.6135, F.S., relating to the statewide system of inservice professional development; clarifying who will be provided inservice training; conforming terminology; providing gender neutral terminology; repealing s. 231.614, F.S., relating to an inservice master plan for vocational educators and a task force; amending s. 231.62, F.S., relating to identification of critical teacher

shortage areas; providing a cross reference; conforming terminology; amending s. 231.621, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program; revising language; providing a cross reference; creating s. 231.6215, F.S.; establishing a student fellowship program; providing standards and conditions for receipt and forgiveness of a loan; providing conditions for repayment of loans not eligible for loan forgiveness; authorizing conditions for deferment of repayment; providing for a revolving fund; limiting implementation to the amount specifically funded in the General Appropriations Act; amending s. 231.625, F.S., relating to teacher recruitment and retention; revising language; requiring the department to provide information relating to certification procedures; revising a reference to the Office of Teacher Recruitment and Retention Services; amending s. 231.6255, F.S., relating to the Christa McAuliffe Ambassador for Education Program; revising language; revising references to the Office of Teacher Recruitment and Retention Services; amending s. 231.63, F.S., relating to the Florida Educator Hall of Fame; revising language; deleting obsolete language; repealing s. 231.65, F.S., relating to the Institute for Instructional Research and Practice and Student Educational Evaluation and Performance; amending s. 231.67, F.S., relating to the Florida Teachers Lead Program Stipend; providing for funding of the program; specifying authorized uses of the funds; establishing procedures for determining the amount of each stipend; exempting purchases made with stipend funds from state or local competitive bidding requirements; requiring funds to be disbursed directly to each teacher; requiring each teacher to sign a statement agreeing to certain terms; providing requirements for unused funds; defining "classroom teacher" for purposes of the program; creating s. 231.700, F.S.; creating the Florida Mentor Teacher School Pilot Program; providing legislative findings and intent; providing goals of the program; establishing five teacher career development positions and minimum requirements; authorizing the adoption of rules; limiting implementation to the extent funded by the General Appropriations Act; amending s. 236.081, F.S., relating to funds for the operation of schools; providing bonuses for teachers who provide advanced placement instruction; correcting a cross reference; amending s. 236.08106, F.S., relating to the Excellent Teaching Program; providing that the Florida School for the Deaf and the Blind shall be considered a school district for the purposes of said section; deleting a limitation on the amount of a fee subsidy; requiring certain participants to provide mentoring and related services to teachers throughout the state; repealing s. 236.0811, F.S., relating to educational training; amending s. 240.529, F.S., relating to public accountability and state approval for teacher preparation programs; deleting provisions relating to a teacher preparation program committee and a report; requiring education accountability concepts and standards emphasized by the departments and colleges of education to include the Sunshine State Standards; deleting an alternative to department approval of a teacher preparation program and deleting definitions, to conform; providing requirements for continued program approval based on measurements of employer satisfaction; revising language; specifying information to be provided to the state and the general public regarding teacher preparation programs; providing cross references; providing an effective date.

—was read the second time by title.

The Committee on Education Appropriations offered the following:

(Amendment Bar Code: 190067)

Amendment 1 (with title amendment)—On page 12, line 20, and on page 19, line 5,

remove from the bill: *be based on*

and insert in lieu thereof: *consider*

And the title is amended as follows:

On page 2, line 1,
remove from the title of the bill: *be based on*

and insert in lieu thereof: *consider*

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

The Committee on Education Appropriations offered the following:
(Amendment Bar Code: 094937)

Amendment 2—On page 14, line 30 through page 15, line 24, remove from the bill: all of said lines
and insert in lieu thereof:

3.a. *Each school district in which there is a school designated as performance grade category "F" shall develop a plan to encourage teachers with demonstrated mastery in improving student performance to remain at or transfer to that school. If a classroom teacher, as defined by s. 228.041(9)(a), who meets the definition of teaching mastery developed according to the provisions of this paragraph, requests assignment to a school designated as performance grade category "F," the district school board and the principal shall make every practical effort to grant the request.*

b. *For initial implementation in 2000-2001 and until full implementation of an annual assessment of learning gains, a principal assigned to a school designated performance grade category "F" may select any teacher based on the teacher's performance appraisal and student achievement data/and the teacher shall receive a supplement of at least \$1,000, not to exceed \$3,500, as provided for annually in the General Appropriations Act, each year he or she teaches at a school designated as performance grade category "F."*

c. *Beginning with the full implementation of an annual assessment of learning gains, a classroom teacher whose effectiveness has been proven based upon positive learning gains of his or her students as measured by annual FCAT assessments pursuant to s. 229.57, is eligible for an annual supplement of at least \$1,000, not to exceed \$3,500, as provided for annually in the General Appropriations Act, each year he or she teaches at a school designated as performance grade category "F."*

d. *In the absence of an FCAT assessment, measurement of learning gains of students shall be as provided in s. 229.57(12). The supplement received under this paragraph shall be in addition to any supplement or bonus received as a result of other local or state pay incentives based on performance.*

e. *The Commissioner of Education shall adopt rules to determine the measures that define "teaching mastery" for purposes of this subparagraph.*

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

The Committee on Education Appropriations offered the following:
(Amendment Bar Code: 605919)

Amendment 3—On page 44, line 24 through page 45, line 10, remove from the bill: all of said lines
and insert in lieu thereof:

(b) *The department shall issue a temporary certificate to any applicant who completes the requirements outlined in paragraphs (2)(a)-(f) and:*

1. *Until July 1, 2002, completes the subject area content requirements specified in state board rule.*

2. *Beginning July 1, 2002, completes the subject area content requirements specified in state board rule or achieves a passing score on the subject area examinations required by state board rule.*

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. However, the requirement in paragraph (2)(g) must be met within one calendar year of the date of employment under the temporary certificate. A school district shall not employ, or continue the employment of, an individual beyond the one calendar year time period who has not met the requirement of paragraph (2)(g). The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the

requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances.

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

The Committee on Education Appropriations offered the following:
(Amendment Bar Code: 915881)

Amendment 4 (with directory language amendment)—On page 62, of the bill, between lines 29 and 30,

insert:

(4) *The complaint and all information obtained pursuant to the investigation by the department shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation of the complaint, or until such time as the preliminary investigation ceases to be active, or until such time as otherwise provided by s. 231.263(6). However, the complaint and all material assembled during the investigation may be inspected and copied by the certificateholder under investigation, or the certificateholder's designee, after the investigation is concluded, but prior to the determination of probable cause by the commissioner. If the preliminary investigation, is concluded with the finding that there is no probable cause to proceed, the complaint and information shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation is concluded with the finding that there is probable cause to proceed and a complaint is filed pursuant to subsection (5), the complaint and information shall be open thereafter to inspection pursuant to s. 119.97(1). If the preliminary investigation ceases to be active, the complaint and all such material shall be open thereafter to inspection pursuant to s. 119.07(1), except as otherwise provided pursuant to s. 231.263(6)(d). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.*

And the directory language is amended as follows:

On page 61, line 19 after "(2)",

insert: , (4),

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

The Committee on Education Appropriations offered the following:
(Amendment Bar Code: 754457)

Amendment 5—On page 65, between lines 20 and 21, insert:

3. *Agrees to enroll in an appropriate treatment program approved by the recovery network.*

(Re-number subsequent subparagraphs)

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

The Committee on Education Appropriations offered the following:
(Amendment Bar Code: 374039)

Amendment 6—On page 65, line 29, remove from the bill: *while*

and insert in lieu thereof: *if*

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

The Committee on Education Appropriations offered the following:
(Amendment Bar Code: 684561)

Amendment 7—On page 127, line 8, remove from the bill: *in up to 400 pilot schools*

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

The Committee on Education Appropriations offered the following:

(Amendment Bar Code: 403581)

Amendment 8—On page 127, line 13, remove from the bill: *a \$50,000 grant*

and insert in lieu thereof: *an equivalent grant based upon the number of schools selected by the Commissioner and the amount of the legislative appropriation.*

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

Representative(s) Ryan offered the following:

(Amendment Bar Code: 930199)

Amendment 9 (with directory language and title amendments)—On page 14, between lines 9 and 10 of the bill

insert:

(15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT PROGRAM.—

(a) Adopt procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district.

(b) District school boards shall implement a policy for parental and guardian involvement in schools that addresses the teachers' and the administration's communication with parents and guardians about school programs and student progress, parent and guardian volunteering opportunities, and availability of community resources that support classroom instruction and child development. The school board may encourage at least one of a child's parents or the child's guardian to participate in an orientation program at the time the child is enrolled in, transferred to, or promoted to a new school.

And the directory language is amended as follows:

On page 12, line 3, after "(5)"

insert: , subsection (15)

And the title is amended as follows:

On page 1, line 17, after the semicolon

insert: providing requirements relating to parental involvement;

Rep. Ryan moved the adoption of the amendment.

On motion by Rep. Lynn, under Rule 142(h), the following late-filed substitute amendment was considered.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 605657)

Substitute Amendment 9 (with directory language and title amendments)—On page 14, between lines 9 and 10 of the bill

insert:

(15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT PROGRAM.—

(a) Adopt procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district.

(b) District school boards shall encourage teachers and administrators to keep parents and guardians informed of student progress, student programs, and availability of resources for academic assistance.

And the directory language is amended as follows:

On page 12, line 3, after "(5)"

insert: , subsection (15)

And the title is amended as follows:

On page 1, line 17, after the semicolon

insert: providing requirements relating to parental involvement;

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

Representative(s) Crow offered the following:

(Amendment Bar Code: 315169)

Amendment 10 (with title amendment)—On page 142, between lines 5 and 6, of the bill

insert:

Section 64. (1) *The Legislature acknowledges that it is of utmost public importance to ensure that the Florida Comprehensive Assessment Test (FCAT) is criterion based and is a valid measure of what students learn at school, as evidenced by the objectives of the Sunshine State Standards. To do so, test results from the first 2 years of implementation shall be reviewed by an independent study commission which shall be called the "FCAT Review Commission." The FCAT Review Commission shall convene July 1, 2000, and shall submit a report to the State Board of Education by December 1, 2000.*

(2) *The commission shall be comprised of the following 19 members:*

(a) *Ten members appointed by the Governor, including at least one current district superintendent of schools, one current school board member, one school principal, one teacher, and one member of the Florida Parent-Teachers Association.*

(b) *Three members appointed by the Speaker of the House of Representatives, including at least one parent of a student in the Florida public school system.*

(c) *Three members appointed by the President of the Senate, including at least one expert on student testing from the State University System.*

(d) *Three members appointed by the Commissioner of Education, including at least one expert on the creation and use of the FCAT.*

(3) *The report of the commission shall be an unbiased review of the FCAT.*

(4) *All appointed members of the commission shall not receive compensation or per diem for service on the commission. The commission shall set meeting times and dates.*

And the title is amended as follows:

On page 11, line 17, after "references;"

insert: establishing the FCAT Review Commission; requiring a report;

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

Representative(s) Lynn, Kilmer, Boyd, and Spratt offered the following:

(Amendment Bar Code: 035865)

Amendment 11—On page 45, line 3, of the bill

insert: (c) *The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor's degree in the area of speech-language impairment to allow for completion of a master's degree program in speech-language impairment.*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 2197—A bill to be entitled An act relating to ad valorem tax exemption for charter schools; creating s. 196.1983, F.S.; providing an exemption from ad valorem taxes for facilities used to house charter schools; amending s. 196.29, F.S.; providing for the cancellation of certain taxes on real property acquired by a charter school; amending s. 228.056, F.S.; providing notice of certain tax exemptions; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 172727)

Amendment 1—On page 1, lines 20-22
remove from the bill: all of said lines

and insert in lieu thereof:

exempt from ad valorem taxes. For leasehold properties, the landlord must certify by affidavit to the charter school that the lease payments

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

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 575829)

Amendment 2—On page 2, lines 19-25
remove from the bill: all of said lines

and insert in lieu thereof:

(16) FACILITIES.—

(a) A charter school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 235.26 or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025, as adopted by the authority in whose jurisdiction the facility is located.

(b) *Any*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 2127—A bill to be entitled An act relating to state procurement; amending s. 287.094, F.S.; revising provisions relating to minority business enterprise programs; providing for revoking the certification of certain minority businesses under certain circumstances; providing exceptions; prohibiting agencies from denying contractors, firms, or individuals an opportunity to compete in public procurement of commodities and services under certain circumstances; providing for filing of certain complaints; providing procedures and requirements; providing a penalty for certain discrimination; amending s. 287.0943, F.S.; requiring the Office of Supplier Diversity to accept certain businesses as certified minority businesses for certain purposes under certain circumstances; revising criteria for certification of minority business enterprises; requiring businesses to comply with state licensing requirements for certain certification; providing for review or audit of certain businesses under certain circumstances; providing for random reviews or audits of certain business by the Office of Supplier Diversity; authorizing the Auditor General to review or audit certain minority businesses for certain purposes; transferring the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services and renaming the office as the Office of Supplier Diversity; amending s. 287.09451, F.S., to conform to such transfer and renaming; amending s. 288.703, F.S.; revising certain definitions; creating s. 287.134, F.S.; providing definitions; prohibiting certain entities or affiliates from bidding on certain contracts; prohibiting public entities from accepting certain bids from, awarding certain contracts to, or transacting business

with certain entities; requiring invitations to bid, requests for proposals, and certain written contracts to contain notice of provisions; providing requirements, procedures, and limitations for determinations of discrimination by certain entities; providing for notice and administrative hearings; providing for nonapplication to certain activities; amending ss. 17.11, 255.102, 287.012, 287.042, 287.057, and 287.9431, F.S., to conform; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 864595)

Amendment 1—On page 2, line 30,
remove from the bill: all of said line

and insert in lieu thereof: *to be represent any entity as a minority business enterprise*

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

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 380617)

Amendment 2 (with title amendment)—On page 6, line 30,
remove from the bill: all of said line

and insert in lieu thereof: *enterprises, one of whom should be a woman business owner, two officials of the office, and two at-large*

And the title is amended as follows:

On page 1, line 18, after the semicolon,

insert: *revising the appointment criteria for the Minority Business Certification Task Force;*

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

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 862633)

Amendment 3—On page 7, line 26, of the bill

insert after "*expertise*": *or licensure*

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

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 115767)

Amendment 4—On page 9, line 14,
remove from the bill: *review/audit*

and insert in lieu thereof: *review of its certification status or an audit*

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

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 921503)

Amendment 5—On page 9, line 15,
remove from the bill: *reviews/audits*

and insert in lieu thereof: *reviews or audits*

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

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 503625)

Amendment 6—On page 15, lines 3-6 remove from the bill: all of said lines

and insert in lieu thereof: ~~(11)(10)~~ *To deter fraud in the program, the Auditor General may review the criteria by which a business became certified as a certified minority business enterprise these certifications pursuant to s. 11.45.*

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

Representative(s) Ritter offered the following:

(Amendment Bar Code: 692411)

Amendment 7—On page 7, lines 25-26, remove from the bill: all of said lines

and insert in lieu thereof: risk by the qualifying minority owner, and to licensure of a minority owner in any trade or

Rep. Ritter moved the adoption of the amendment.

On motion by Rep. Ritter, further consideration of **Amendment 7** was temporarily postponed under Rule 141.

Representative(s) Hill and Betancourt offered the following:

(Amendment Bar Code: 951725)

Amendment 8 (with title amendment)—On page 1, remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Florida Committee on Minority Business Enterprise Contracting; creation; purpose; membership.— There is created the Committee on Minority Business Enterprise Contracting.*

(1)(a) *The committee shall oversee a comprehensive study of the participation of minority business enterprises in contracting activities of the state and review of all provisions relating to minority business enterprise programs.*

(b) *In addition to the requirements in (1)(a), the committee shall determine whether practices currently utilized by the state to provide market, managerial, technical and financial assistance to minority owned businesses are based upon a compelling governmental interest and if such practices are narrowly tailored to achieve such interest and whether lower goals should be set over a broader range of state spending.*

(c) *The study shall also identify areas where women and minority firms are over-utilized and under-utilized.*

(2) *A report of findings and recommendations shall be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2000.*

(a) *The report shall include a recommendation on whether the Legislature should eliminate the goals established in section 287.09451, Florida Statutes, governing the participation of minority business enterprises in state contracting.*

(b) *If the committee recommends elimination of such goals, the report shall include recommendations for alternative means to evaluate agency contracting activities, ensure fairness in the utilization of women and minority owned firms, across all state spending categories and prevent discrimination in state contracting decisions.*

(3) *The committee shall be composed of seven members as follows:*

(a) *President of the Florida Women's Consortium or designee;*

(b) *Department of Legal Affairs, Director of Office of Civil Rights or designee;*

(c) *Director of Minority Business Advocacy and Assistance Office who shall serve as chairperson;*

(d) *Two representatives of the Florida Association of Minority Business Enterprise Officials to be appointed by the Governor;*

(e) *One member appointed by the Speaker of the House; and*

(f) *One member appointed by the President of the Senate.*

(4) *The Minority Business Advocacy Office shall provide staff to assist the committee. Technical assistance may be provided to the committee by persons who are knowledgeable in a subject area pertinent to the study conducted.*

(5) *Members of the committee shall serve without compensation, but are entitled to per diem and travel expenses as provided in s. 112.061.*

(6) *The members of the committee shall be appointed 60 days after this act takes effect, and shall serve until the duties within this act are completed.*

Section 2. *This act shall take effect upon becoming law.*

And the title is amended as follows:

On page 1, line 2 through page 2, line 21 remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to minority business enterprise contracting; providing for the creation and purpose of the Florida Committee on Minority Business Enterprise Contracting; requiring a study and report; providing for the membership of the committee; providing committee staffing; providing committee expenses; providing an effective date.

WHEREAS, the Legislature has established in the Florida Statutes spending goals for state-agency contracts with certified minority business enterprises, and

WHEREAS, the Legislature adopted in 1994, section 26, Chapter 94-322, Laws of Florida, which scheduled a repeal and sunset review of all provisions of statutes relating to minority business enterprise programs, scheduled for July 1, 2000, and

WHEREAS, under Florida Law, the repealed provisions shall be reviewed prior to the repeal date by the Legislature to determine the effectiveness in achieving stated goals and to determine whether to revise or modify these provisions to achieve such goals, and

WHEREAS, the Legislature will consider elimination of such statutorily prescribed goals only upon the finding of an objective committee that such goals are not enhancing the participation of minority business enterprises in state contracting and are not necessary to prevent or remedy discrimination against minority business enterprises in state contracting decisions, NOW, THEREFORE,

Rep. Hill moved the adoption of the amendment.

Rep. L. Miller suggested the absence of a quorum. A quorum was present.

The question recurred on the adoption of **Amendment 8**, which failed of adoption. The vote was:

Session Vote Sequence: 283

Yeas—33

Betancourt	Eggelation	Jacobs	Ryan
Bloom	Frankel	Kosmas	Smith, C.
Brown	Gottlieb	Lawson	Sobel
Bucher	Greene, A.	Levine	Stafford
Bullard	Greenstein	Miller, L.	Suarez
Bush	Hafner	Rayson	Wasserman Schultz
Chestnut	Henriquez	Reddick	
Cosgrove	Heyman	Ritchie	
Effman	Hill	Ritter	

Nays—73

The Chair	Crady	Jones	Russell
Albright	Crist	Kelly	Sanderson
Alexander	Detert	Kilmer	Sembler
Andrews	Diaz de la Portilla, R.	Littlefield	Smith, K.
Argenio	Farkas	Logan	Sorensen
Argenziano	Fasano	Lynn	Spratt
Arnall	Feeney	Maygarden	Stansel
Bainter	Fiorentino	Melvin	Starks
Ball	Flanagan	Merchant	Sublette
Barreiro	Fuller	Miller, J.	Trovillion
Bense	Futch	Minton	Tullis
Bilirakis	Garcia	Murman	Turnbull
Bitner	Gay	Patterson	Villalobos
Boyd	Goode	Peaden	Wallace
Bronson	Goodlette	Posey	Waters
Brummer	Green, C.	Prieguez	Wise
Cantens	Harrington	Pruitt	
Casey	Hart	Roberts	
Constantine	Johnson	Rubio	

The question recurred on the adoption of **Amendment 7**, which failed of adoption.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 2037—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 20.42, F.S.; renaming and reorganizing the agency and removing it from under the Department of Business and Professional Regulation; creating the Department of Agency for Health Care Administration, also to be known as the Agency for Health Care Administration; providing for appointment of the Secretary for Health Care Administration by the Governor, subject to confirmation by the Senate; providing for responsibilities and administration of the department; transferring all powers, duties and functions, and funds of the Agency for Health Care Administration of the Department of Business and Professional Regulation to the Department of Agency for Health Care Administration; amending s. 440.134, F.S.; providing exclusive jurisdiction of the Department of Agency for Health Care Administration over workers' compensation managed care arrangements and investigations regarding medical services provided under such arrangements; providing for certain transfer of positions and funds from the Department of Labor and Employment Security; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Farkas to adopt Amendment 6 to Amendment 1.

The question recurred on the adoption of **Amendment 6 to Amendment 1**, which was withdrawn.

On motion by Rep. Albright, under Rule 142(h), the following late-filed amendment to the amendment was considered.

Representative(s) Albright and Farkas offered the following:

(Amendment Bar Code: 481105)

Amendment 7 to Amendment 1 (with title amendment)—On page 1, between lines 16 and 17, of the amendment

insert:

Section 1. *PUBLIC CORD BLOOD TISSUE BANK.*—

(1) *There is established a statewide consortium to be known as the Public Cord Blood Tissue Bank. The Public Cord Blood Tissue Bank is established as a nonprofit legal entity to collect, screen for infectious and genetic diseases, perform tissue typing, cryopreserve, and store umbilical cord blood as a resource to the public. The University of Florida, the University of South Florida, the University of Miami, and the Mayo Clinic, Jacksonville shall jointly form the collaborative consortium, each working with community resources such as regional blood banks,*

hospitals, and other health care providers to develop local and regional coalitions for the purposes set forth in this act. The consortium participants shall align their outreach programs and activities to all geographic areas of the state, covering the entire state. The consortium is encouraged to conduct outreach and research for Hispanics, African Americans, Native Americans, and other ethnic and racial minorities.

(2) *The Agency for Health Care Administration shall develop and make available to all health care providers information relating to and standardized release forms for donation of umbilical cord blood. The agency and the Department of Health shall encourage health care providers, including, but not limited to, hospitals, birthing facilities, county health departments, physicians, midwives, and nurses, to disseminate information about the Public Cord Blood Tissue Bank.*

(3) *The Agency for Health Care Administration shall develop training materials for agencies and state employees working with pregnant women to educate and inform pregnant women about the public cord blood tissue bank program.*

(4) *All state-funded health care programs providing education or services to pregnant women shall provide information on the Public Cord Blood Tissue Bank program. Information regarding this program shall be provided by, but not be limited to, the Healthy Start program, county health departments, Medicaid, and MediPass.*

(5) *Nothing in this act creates a requirement of any health care or services program that is directly affiliated with a bona fide religious denomination that includes as an integral part of its beliefs and practices the tenet that blood transfer is contrary to the moral principles the denomination considers to be an essential part of its beliefs.*

(6) *Any health care facility or health care provider receiving financial remuneration for the collection of umbilical cord blood shall provide written disclosure of this information to any woman postpartum or parent of a newborn from whom the umbilical cord blood is collected prior to the harvesting of the umbilical cord blood.*

(7) *All women admitted to a hospital or birthing facility for obstetrical services may be offered the opportunity to donate umbilical cord blood to the Public Cord Blood Tissue Bank. No woman shall be required to make such a donation.*

(8) *The consortium may charge reasonable rates and fees to recipients of cord blood tissue bank products.*

(9) *In order to fund the provisions of this section the consortium participants and the Agency for Health Care Administration shall seek private or federal funds or utilize existing budgetary resources to the extent possible to initiate program actions for fiscal year 2000-2001.*

And the title is amended as follows:

On page 26, lines 18 and 19, of the amendment remove: all of said lines

and insert in lieu thereof: An act relating to health care; creating the Public Cord Blood Tissue Bank as a statewide consortium; providing purposes, membership, and duties of the consortium; providing duties of the Agency for Health Care Administration; providing requirements of specified state-funded health care programs; providing an exception from provisions of the act; requiring specified written disclosure by certain health care facilities and providers; specifying that donation under the act is voluntary; authorizing the consortium to charge fees; amending s. 20.42, F.S.;

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

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 465—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing requirements relating to home inspection services; providing legislative intent; providing

definitions; providing certain inspector qualifications and practice standards; providing exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report to the client on the results of the inspection and requiring provision of relevant portions thereof to homeowners under certain circumstances; prohibiting certain acts, for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; providing for injunction against use of the title "board-certified home inspector" under certain circumstances and requiring notice thereof to potential clients; providing for the filing of complaints; requiring maintenance of records regarding complaints and compilation of statistics regarding such complaints; providing an effective date.

—was read the second time by title.

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 893075)

Amendment 1—On page 4, between lines 18 and 19 of the bill

insert: *These exemptions shall not apply to a person who holds himself or herself out as a person providing home inspection services.*

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

Representative(s) Goodlette and Turnbull offered the following:

(Amendment Bar Code: 050555)

Amendment 2 (with title amendment)—On page 3, line 16 through page 6, line 15, remove from the bill: all of said lines

and insert in lieu thereof:

(3) HOME INSPECTION SERVICES; STANDARDS OF PRACTICE.—The minimum standards of practice for all home inspection services shall be developed and adopted by rule by the Department of Agriculture and Consumer Services. The minimum requirements for a home inspector to advertise as a "certified home inspector" shall also be developed and adopted by rule by the department, which rules may require the successful passage of an examination and experience requirements. In promulgating these rules, the department is directed to consult with representatives of the Florida home inspection industry, the Florida Building Code Administrators and Inspectors Board, the Construction Industry Licensing Board, and the Electrical Contractors' Licensing Board. The administrative rules required by this subsection are to be promulgated and adopted by July 1, 2001.

(4) EXEMPTIONS.—The following persons are not required to comply with this section with regard to any valuation condition, report, survey, evaluation, or estimate rendered within the scope of practice authorized by such license:

(a) A construction contractor licensed under chapter 489.

(b) An architect licensed under chapter 481.

(c) An engineer licensed under chapter 471.

(d) A building code administrator, plans examiner, or building code inspector licensed under part XII of chapter 468.

(e) A certified real estate appraiser, licensed real estate appraiser, or registered assistant real estate appraiser licensed under part II of chapter 475.

(f) An inspector whose report is being provided to, and is solely for the benefit of, the Federal Housing Administration or the Veterans Administration.

These exemptions shall not apply to a person who holds himself or herself out as a person providing home inspection services.

(5) DISCLOSURE.—Prior to entering into a contract for home inspection and prior to performing any home inspection, a home inspector must provide the following to any person, or the person's representative, who will enter into a contract to have a home inspection and who, as a client of the inspector, has requested the inspection:

(a) A written list of the home inspector's credentials.

(b) Whether the home inspector has had a professional license, issued under part XII of chapter 468, chapter 471, or chapter 481, suspended or revoked.

(c) A caveat in conspicuous type that states:

"AN INSPECTION IS INTENDED TO ASSIST IN EVALUATION OF THE OVERALL CONDITION OF A HOME. THE INSPECTION IS BASED ON OBSERVATION OF THE VISIBLE AND APPARENT CONDITION OF THE BUILDING AND ITS MECHANICAL AND PHYSICAL COMPONENTS ON THE DATE OF THE INSPECTION. THE RESULTS OF THIS HOME INSPECTION ARE NOT INTENDED TO MAKE ANY REPRESENTATION REGARDING LATENT OR CONCEALED DEFECTS THAT MAY EXIST. IT SHOULD BE UNDERSTOOD THAT A HOME INSPECTION IS A GENERAL OVERVIEW OF THE CONDITION OF THE BUILDING AND COMPONENTS. THE HOME INSPECTOR IS NOT NECESSARILY A PROFESSIONAL WITH LICENSES AUTHORIZING THE RENDERING OF DETAILED OPINIONS REGARDING ANY OR ALL OF THE ITEMS OR SYSTEMS INCLUDED IN THE INSPECTION. YOU MAY WISH TO SEEK AN OPINION FROM AN APPROPRIATELY LICENSED PROFESSIONAL AS TO ANY DEFECTS OR CONCERNS MENTIONED IN THE REPORT."

(d) A written disclosure to the client of any conflict of interest or relationship of the home inspector which may affect the client.

(e) A written statement or agreement declaring the home inspector's scope of services, limitations, terms, and conditions regarding the home inspection.

(6) REPORT.—A home inspector must provide to the client, within 3 working days after the date of the home inspection or at any other time agreed upon by both parties, a written report of the results of the home inspection. The relevant part of the report shall be provided by the buyer to the owner of the home upon request if a home inspection report is used by the buyer as a reason to void, modify, or refuse to close on a contract for sale and purchase of the home.

(7) PROHIBITIONS.—A home inspector may not:

(a) Accept any commission, allowance, gift, or other thing of value from another party dealing with a client of the inspector which relates to the inspection or conditions reported by the home inspector.

(b) Offer any commission, allowance, gift, or other thing of value to another party dealing with a client of the inspector which relates to the inspection.

(c) Perform, or offer to perform, for a fee, remedial work on a property which the inspector has inspected in the preceding 12 months.

(d) Disclose, without the client's written consent, a home inspection report to any person other than the client or the client's representative.

(8) FAILURE TO COMPLY.—The failure of a home inspector to comply with any provision of this section constitutes a deceptive and unfair trade practice for which a cause of action under part II of chapter 501 may be prosecuted, in addition to any other remedy provided by law. A court may enjoin any person who has substantially failed to comply with this section from using the title "certified"

And the title is amended as follows:

On page 1, lines 6 through 22, remove from the title of the bill: all of said lines

and insert in lieu thereof: providing definitions; requiring rulemaking by the Department of Agriculture and Consumer Services; providing

exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report to the client on the results of the inspection and requiring provision of relevant portions thereof to homeowners under certain circumstances; prohibiting certain acts, for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; providing for injunction against use of the title "certified home inspector" under certain

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 2281—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 509.049, F.S.; revising language with respect to food service employee training; providing for a food service training certificate program; providing for approval of existing programs; providing for requests for competitive sealed proposals; amending s. 509.291, F.S.; revising the membership of the Hotel and Restaurant Advisory Council; amending s. 561.01, F.S.; revising the definition of the term "licensee" under the Beverage Law; amending s. 561.17, F.S.; revising a provision relating to license and registration applications under the Beverage Law; amending s. 561.181, F.S.; revising language with respect to temporary initial licenses; amending s. 561.20, F.S.; revising language with respect to the limitation on the number of alcoholic beverage licenses issued; creating a special license category for caterers; providing conditions for operation; providing for adoption of rules; amending s. 561.29, F.S.; revising language with respect to the revocation and suspension of licenses under the Beverage Law to include another prohibition; amending s. 561.32, F.S.; revising a provision relating to the transfer of a license; amending s. 561.331, F.S.; revising language with respect to a temporary license issued upon application for transfer, change of location, or change of type or series; amending s. 565.05, F.S.; providing an exception regarding the purchase of alcoholic beverages by golf clubs; amending s. 565.06, F.S.; authorizing the sale of alcoholic beverages in certain individual containers at golf clubs; providing an effective date.

—was read the second time by title.

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 310169)

Amendment 1—On page 3, line 27, through page 4, line 26 remove from the bill: all of said lines

and insert in lieu thereof:

Section 2. Subsection (1) of section 509.291, Florida Statutes, is amended to read:

509.291 Advisory council.—

(1) There is created a 10-member ~~an 18-member~~ advisory council.

(a) The Secretary of Business and Professional Regulation shall appoint ~~five~~ 11 voting members to the advisory council. Each member appointed by the secretary must be an operator of an establishment licensed under this chapter and shall represent the industries regulated by the division, except that one member appointed by the secretary must be a layperson and shall represent the general public. Such members of the council shall serve staggered terms of 4 years.

(b) ~~The division, the Department of Health, The Florida Hotel and Motel Association, the Florida Restaurant Association, the Florida Apartment Association, and the Florida Association of Realtors shall each designate one representative to serve as a voting member of the council, and one member appointed by the secretary must be appointed to represent nontransient public lodging establishments.~~ In addition, one hospitality administration educator from an institution of higher education affiliated with the Hospitality Education Program pursuant to s. 509.302(2) shall serve for a term of 2 years as a voting member of

the council. This single representative shall be designated on a rotating basis by the institution or institutions of higher education affiliated with this program pursuant to s. 509.302(2).

(c) Any member who fails to attend three consecutive council meetings without good cause may be removed from the council by the secretary.

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

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 081941)

Amendment 2—On page 6, line 26, through page 8, line 18 remove from the bill: all of said lines

and insert in lieu thereof:

(1)(a) When any person has filed a properly completed application which does not on its face disclose any reason for denying an alcoholic beverage license, the division shall issue to such person a temporary initial license of the same type and series for which the application has been submitted, to be valid for all purposes under the Beverage Law, except as provided in paragraph (b).

(b) A license issued under this section entitles a vendor to purchase alcoholic beverages for cash only. This paragraph does not apply:

1. If the entity holding the temporary initial license is also the holder of a beverage license authorizing the purchase of the same type of alcoholic beverages as is authorized under the temporary license.

2. To purchases made as part of a single-transaction cooperative purchase placed by a pool buying agent.

~~(2) The temporary initial license shall be valid until the application is denied or until 14 days after the application is approved.~~

~~(2)(3)~~ A temporary initial license shall expire and shall not be continued or extended beyond the date the division denies the application for license, beyond 14 days after the date the division approves the application for license, or beyond the date the applicant pays the license fee for and the division issues the license applied for, or beyond the date the temporary initial license otherwise expires by law, whichever date occurs first. *If the department issues a notice of intent to deny the license application for failure of the applicant to disclose the information required by s. 561.15(2) or (4), the initial temporary license expires and shall not be extended during any proceeding for administrative or judicial review pursuant to chapter 120.*

~~(3)(4)~~ Each applicant seeking a temporary initial license shall pay to the division for such license a fee equal to one-fourth of the annual license fee for the type and series of license being applied for or \$100, whichever is greater, which fee shall be deposited into the General Revenue Fund.

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

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 590831)

Amendment 3 (with title amendment)—On page 12, lines 15-18 remove from the bill: all of said lines

and insert in lieu thereof: *licensure, recordkeeping, and enforcement. The first \$300,000 in fees collected by the division pursuant to this subparagraph shall be deposited in the Department of Children and Family Services' Operations and Maintenance Trust Fund to be used only for alcohol and drug abuse education, treatment, and prevention programs. The remainder of the fees collected shall be deposited into the Hotel and Restaurant Trust Fund created pursuant to s. 509.072.*

And the title is amended as follows:

On page 1, line 24, after "rules;"

insert: providing for deposit of fees;

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

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 094813)

Amendment 4—On page 14, line 19 through page 17, line 27 remove from the bill: all of said lines

and insert in lieu thereof:

Section 9. Section 561.331, Florida Statutes, is amended to read:

561.331 Temporary license upon application for transfer, change of location, or change of type or series.—

(1) Upon the filing of a properly completed application for transfer pursuant to s. 561.32, which application does not on its face disclose any reason for denying an alcoholic beverage license, by any purchaser of a business which possesses a beverage license of any type or series, the purchaser of such business and the applicant for transfer are entitled as a matter of right to receive a temporary beverage license of the same type and series as that held by the seller of such business. The temporary license will be valid for all purposes under the Beverage Law until the application is denied or until 14 days after the application is approved. Such temporary beverage license shall be issued by the district supervisor of the district in which the application for transfer is made upon the payment of a fee of \$100. A purchaser operating under the provisions of this subsection is subject to the same rights, privileges, duties, and limitations of a beverage licensee as are provided by law, except that purchases of alcoholic beverages during the term of such temporary license shall be for cash only. However, such cash-only restriction does not apply if the entity holding a temporary license pursuant to this section purchases alcoholic beverages as part of a single-transaction cooperative purchase placed by a pool buying agent or if such entity is also the holder of a state beverage license authorizing the purchase of the same type of alcoholic beverages as authorized under the temporary license.

(2) Upon the filing of an application for change of location pursuant to s. 561.33 by any qualified licensee who possesses a beverage license of any type or series, which application does not on its face disclose any reason for denying an alcoholic beverage license, the licensee is entitled as a matter of right to receive a temporary beverage license of the same series as that license held by the licensee to be valid for all purposes under the Beverage Law until the application is denied or until 14 days after the application is approved. Such temporary license shall be issued by the district supervisor of the district in which the application for change of location is made without the payment of any further fee or tax. A licensee operating under the provisions of this subsection is subject to the same rights, privileges, duties, and limitations of a beverage licensee as are provided by law.

(3) Upon the filing of a properly completed application to change the type or series of a beverage license by any qualified licensee having a beverage license of any type or series, which application does not on its face disclose any reason for denying an alcoholic beverage license, the licensee is entitled as a matter of right to receive a temporary beverage license of the type or series applied for, which temporary license is valid for all purposes under the Beverage Law until the application is denied or until 14 days after the application is approved. Such temporary license shall be issued by the district supervisor of the district in which the application for change of type or series is made. *If the department issues a notice of intent to deny the license application for failure of the applicant to disclose the information required by s. 561.15(2) or (4), the temporary license for transfer, change of location, or change of type of series expires and shall not be extended during any proceeding for administrative or judicial review pursuant to chapter 120. If the fee for*

the type or series or license applied for is greater than the fee for the license then held by the applicant, the applicant for such temporary license must pay a fee in the amount of \$100 or one-fourth of the difference between the fees, whichever amount is greater. A fee is not required for an application for a temporary license of a type or series for which the fee is the same as or less than the fee for the license then held by the applicant. The holder of a temporary license under this subsection is subject to the same rights, privileges, duties, and limitations of a beverage licensee as are provided by law.

(4) Nothing in this section shall be construed to permit the transfer or issuance of temporary licenses contrary to the county-by-county limitation on the number of such licenses based on population as provided in s. 561.20(1).

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

Representative(s) Bitner offered the following:

(Amendment Bar Code: 401385)

Amendment 5 (with title amendment)—On page 3, line 26, after the period,

insert: *Food service employees must receive certification pursuant to this section by January 1, 2001. Food service employees hired after November 1, 2000, must receive certification within 60 days after employment. Certification pursuant to this section shall remain valid for 3 years.*

And the title is amended as follows:

On page 1, line 9, after the semicolon,

insert: requiring certain food service employees to receive certification by certain times certain; providing for time of validity of certification;

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

Representative(s) Bitner offered the following:

(Amendment Bar Code: 881313)

Amendment 6—On page 11, line 3, after *caterer*,

insert: *, deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages,*

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

Representative(s) Bitner offered the following:

(Amendment Bar Code: 054451)

Amendment 7 (with directory language and title amendments)—On page 14, between lines 18 and 19,

insert:

(6)(a) Notwithstanding any other provision of law, except as provided in paragraph (b), any license issued after October 1, 2000, under s. 561.20(1) shall not be transferable in any manner, directly or indirectly, including by any change in stock, partnership shares, or other form of ownership of any entity holding the license, except by probate or guardianship proceedings. Any attempted assignment, sale, or transfer of interest in such license, directly or indirectly, in violation of this provision is hereby declared void and the license shall be deemed abandoned and shall revert to the state to be issued in the manner provided by law for issuance of new licenses.

(b) A license issued after October 1, 2000, under s. 561.20(1) may be transferred as provided by law only upon payment to the division of a transfer fee in an amount equal to fifty times the annual license fee specified in s. 565.02(1)(b)-(f) in the county in which the license is valid. However, if the county is only authorized for the issuance of a liquor license for package sales only, the transfer fee shall be an amount equal

to fifty times the annual license fee specified in s. 565.02(1)(a). The transfer fee provided for in this paragraph shall be in addition to any other transfer fee provided by paragraph (3)(a).

And the directory language is amended as follows:

On page 14, line 9, after the word "amended"

insert: , and subsection (6) is added to said section,

And the title is amended as follows:

On page 1, line 29, after the semicolon,

insert: prohibiting transfers of certain licenses under the Beverage Law; providing exceptions; providing for reversion to the state of certain licenses deemed abandoned; providing for transfer of certain licenses under certain circumstances; specifying fees for such transfers;

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

Motions Relating to Committee References

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 1821 was withdrawn from the Committee on Health & Human Services Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 369 and CS/HB 1721 were withdrawn from the Committee on General Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS/HB 367 was withdrawn from the Committee on Transportation & Economic Development Appropriations and placed on the appropriate Calendar.

Motion

On motion by Rep. Arnall, the rules were suspended and 12:30 p.m., Friday, April 28, was set as the deadline for filing amendments to bills on the afternoon Special Orders for Friday, April 28.

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

Motions Relating to Committee References

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 2311 was withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 1777 was withdrawn from the Committee on Finance & Taxation and placed on the appropriate Calendar.

Motion to Adjourn

Rep. Arnall moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 8:30 a.m., Friday, April 28. The motion was agreed to.

Recorded Votes

Rep. Bloom:

Yeas—HB 135; SB 156; HB 1551; HB 2077

Rep. Fiorentino:

Nays—Amendment 2 to CS/HB 1807

Rep. A. Greene:

Change from Nays to Yeas—adoption of Amendment 2 to CS/HB 1941 after reconsideration

Rep. Ritchie:

Yeas—Amendment 2 to CS/HB 1807

Rep. Waters:

Yeas—motion to reconsider the vote by which Amendment 2 to CS/HB 1941 was adopted

Nays—adoption of Amendment 2 to CS/HB 1941 after reconsideration; Amendment 10 to HB 2125; Amendment 4 to Amendment 1 to CS/HB 2335; Amendment 5 to Amendment 1 to CS/HB 2335; Substitute Amendment 1 to CS/HB 2335; Amendment 27 to HB 2393

Prime Sponsors

CS/CS/CS/HB 71—Barreiro

Cosponsors

HB 25—Chestnut

CS/HB 39—Casey

CS/CS/CS/HB 71—Bullard, Bush, Gottlieb, Logan, Roberts

CS/HB 207—Crist, Jacobs

HB 323—Kelly

CS/HB 543—Kosmas

CS/HB 573—Chestnut

HB 743—Levine

HB 761—Crist

CS/CS/HBs 769 & 1087—Casey

CS/HBs 819 & 473—Bucher

HB 931—Casey

CS/CS/HB 991—Crist

CS/HB 999—Constantine

CS/CS/HB 1005—Casey

CS/HB 1037—Lynn

CS/HB 1039—Lynn

HB 1047—Crist

CS/HB 1123—Lynn

HB 1125—Crist

HB 1417—Chestnut

CS/HB 1659—Casey

HB 1781—Casey

HB 1893—Chestnut

HB 1903—Crist

CS/HB 1963—A. Greene

HB 2073—Lynn

HB 2081—Casey

HB 2087—Kelly

HB 2311—Crist

HB 2329—Casey

CS/HB 2335—Casey, Kelly

HB 2347—Casey

HB 2377—Casey

Withdrawals as Cosponsor

CS/HB 1807—Murman, Littlefield

Introduction and Reference

By Representative Johnson—

HB 2445—A bill to be entitled An act relating to motor vehicle dealerships; creating the "Florida Motor Vehicle Dealership Act of 2000"; amending s. 320.645, F.S.; providing that restrictions on the ownership of a motor vehicle dealership by a licensee shall not apply to certain licensees; providing an effective date.

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

By Representative Lacasa—

HB 2447—A bill to be entitled An act relating to environmental protection; requiring the Department of Environmental Protection to

conduct a study relating to the use of MTBE in the state and to report its findings and recommendations to the Legislature; requesting participation by the petroleum industry in the study; providing an effective date.

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

Reference

HB 2443—Referred to the Committee(s) on Finance & Taxation and General Appropriations.

First Reading of Committee Substitutes by Publication

By the Committees on Transportation & Economic Development Appropriations; Transportation; Representative Villalobos—

CS/CS/HB 43—A bill to be entitled An act relating to highway safety; amending s. 316.520, F.S.; providing for criminal penalties for failure to secure loads on vehicles under certain circumstances; providing for exceptions; amending s. 318.18, F.S.; providing a minimum penalty for violations of s. 316.520, F.S.; amending s. 318.19, F.S.; providing a mandatory hearing for violations of s. 316.520, F.S.; amending s. 318.21, F.S.; providing that the fines collected for a violation of s. 316.520, F.S., shall be used to educate the public about the hazards of driving with unsecured loads; providing an effective date.

By the Committee on Transportation & Economic Development Appropriations; Representative Gay—

CS/HB 2357—A bill to be entitled An act relating to labor and employment security; repealing s. 20.171, F.S., relating to the authority and organizational structure of the Department of Labor and Employment Security; providing for a type one transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims to the Department of Insurance; providing a limitation on administrative support positions; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to labor organizations and child labor to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to migrant and farm labor registration to the Department of Insurance; providing for a type two transfer of other workplace regulation functions to the Department of Insurance; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Insurance; amending s. 20.13, F.S.; creating a Division of Workers' Compensation within the Department of Insurance; creating a Bureau of Workplace Regulation and a Bureau of Workplace Safety within the Division of Workers' Compensation of the Department of Insurance; providing for a type two transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; requiring a contract between the Agency for Workforce Innovation and the Department of Revenue for unemployment tax collection services by the Department of Revenue; providing a limitation on certain administrative support services positions; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study regarding the feasibility of privatizing unemployment tax collection services; requiring the Division of Statutory Revision to prepare a reviser's bill; providing for a type two transfer of the Office of Information Systems from the Department of Labor and Employment Security to the State Technology Office; providing an exception for certain portions of the office to be transferred to the Agency for Workforce Innovation; providing for a type two transfer of the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services; creating the Florida Task Force on Workplace Safety; prescribing membership of the task force; providing the purpose of the task force; providing for staffing and administration of the task force; providing for the sharing of information; requiring a report; authorizing the Division of Workers' Compensation to establish time-limited positions related to workplace safety; authorizing the division to establish permanent positions upon completion of the task force report; providing for transfer of certain

records and property; providing for termination of the task force; amending s. 39 of ch. 99-240, Laws of Florida; providing for the transfer of the Division of Blind Services to the Department of Education on October 1, 2000, rather than January 1, 2001; correcting a cross reference; providing a limitation of administrative support services; providing legislative intent regarding the transfer of functions of the Department of Labor and Employment Security; providing for reemployment assistance for dislocated department employees; providing hiring preference for such employees; providing for the transfer of certain records and funds; creating the Labor and Employment Security Transition Team; prescribing membership of the transition team; providing for staffing; requiring reports; providing for the termination of the transition team; authorizing the transition team to use unexpended funds to settle certain claims; requiring the transition team to monitor and approve certain personnel hirings and transfers; requiring the submission of a budget amendment to allocate resources of the Department of Labor and Employment Security; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of this act; requiring the Department of Revenue to notify businesses relating to the transfer of unemployment compensation tax responsibilities; authorizing the Department of Revenue to perform certain duties relating to unemployment compensation tax previously assigned to the Department of Labor and Employment Security; authorizing the Department of Revenue to determine the most efficient and effective method for administering, collecting, enforcing, and auditing the unemployment compensation tax; amending s. 287.012, F.S.; revising a definition to conform to the transfer of the Minority Business Advocacy and Assistance Office to the Department of Management Services; amending s. 287.0947, F.S.; revising a reference to the Florida Advisory Council on Small and Minority Business Development to conform to changes made by the act; amending s. 287.09451, F.S.; revising provisions relating to the powers, duties, and functions of the Minority Business Advocacy and Assistance Office to conform to changes made by the act; amending s. 20.15, F.S.; establishing the Division of Occupational Access and Opportunity within the Department of Education; providing that the Occupational Access and Opportunity Commission is the director of the division; requiring the department to assign certain powers, duties, responsibilities, and functions to the division; excepting from appointment by the Commissioner of Education members of the commission, the Florida Rehabilitation Council, and the Florida Independent Living Council; amending s. 120.80, F.S.; providing that hearings on certain vocational rehabilitation determinations by the Occupational Access and Opportunity Commission need not be conducted by an administrative law judge; amending ss. 413.034, 413.051, 413.064, 413.066, 413.067, 413.395, F.S.; conforming departmental references to reflect the transfer of the Division of Blind Services to the Department of Education; expressing the intent of the Legislature that the provisions of this act relating to blind services not conflict with federal law; providing procedures in the event such conflict is asserted; amending s. 413.83, F.S.; specifying that appointment of members to the commission is subject to Senate confirmation; revising composition of and appointments to the commission; eliminating a requirement that the Rehabilitation Council serve the commission; authorizing the commission to establish an advisory council composed of representatives from not-for-profit organizations under certain conditions; clarifying the entitlement of commission members to reimbursement for certain expenses; amending s. 413.84, F.S.; designating the commission as the director of the Division of Occupational Access and Opportunity; specifying responsibilities of the commission; authorizing the commission to adopt administrative rules; authorizing the commission to hire a division director; revising the timeframe for implementation of the 5-year plan prepared by the commission; expanding the authority of the commission to contract with the corporation; removing a requirement for federal approval to contract with a direct-support organization; authorizing the commission to appear on its own behalf before the Legislature; amending s. 413.85, F.S.; eliminating limitations on the tax status of the Occupational Access and Opportunity Corporation; specifying that the corporation is not an agency for purposes of certain government procurement laws;

applying provisions relating to waiver of sovereign immunity to the corporation; providing that the board of directors of the corporation be composed of no fewer than seven and no more than 15 members and that a majority of its members be members of the commission; authorizing the corporation to hire certain individuals employed by the Division of Vocational Rehabilitation; providing for a lease agreement governing such employees; prescribing terms of such lease agreement; amending s. 413.86, F.S.; conforming an organizational reference; amending s. 413.87, F.S.; conforming provisions relating to an annual audit to changes made in the act; amending s. 413.88, F.S.; conforming provisions relating to an annual report to changes made in the act; amending s. 413.89, F.S.; designating the department the state agency effective July 1, 2000, and the commission the state agency effective October 1, 2000, for purposes of compliance with federal law; deleting an obsolete reference; authorizing the department and the commission to provide for continued administration during the time between July 1, 2000, and October 1, 2000; amending s. 413.90, F.S.; deleting a provision relating to designation of an administrative entity; designating a state agency and state unit for specified purposes; transferring certain components of the Division of Vocational Rehabilitation to the Department of Education; requiring a reduction in positions; providing for a budget amendment; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Education; amending s. 413.91, F.S.; deleting reference to designated administrative entity; requiring the commission to assure that all contractors maintain quality control and are fit to undertake responsibilities; amending s. 413.92, F.S.; specifying entities answerable to the Federal Government in the event of a conflict with federal law; repealing s. 413.93, F.S., relating to the designated state agency under federal law; amending s. 440.02, F.S.; conforming the definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.207, F.S.; conforming a departmental reference; amending s. 440.385, F.S.; deleting obsolete provisions; conforming departmental references relating to the Florida Self-Insurance Guaranty Association, Inc.; amending s. 440.44, F.S.; conforming provisions; amending s. 440.4416, F.S.; reassigning the Workers' Compensation Oversight Board to the Department of Insurance; amending s. 440.45, F.S.; reassigning the Office of the Judges of Compensation Claims to the Department of Insurance; amending s. 440.49, F.S.; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Department of Management Services rather than the Department of Labor and Employment Security; conforming provisions; providing for the transfer of the Unemployment Appeals Commission to the Department of Management Services by a type two transfer; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Department of Management Services; conforming the definition of "division" to the transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; revising the definition of "employment office"; amending s. 443.091, F.S.; conforming terminology; amending s. 443.131, F.S.; conforming terminology; amending s. 443.151, F.S.; providing for unemployment compensation appeals referees to be appointed by the Unemployment Appeals Commission; requiring the Department of Management Services to provide facilities to the appeals referees and the commission; requiring the Division of Unemployment Compensation to post certain notices in one-stop career centers; amending s. 443.171, F.S.; conforming duties of the Division of Unemployment Compensation and appointment of the Unemployment Compensation Advisory Council to reflect program transfer to the Department of Revenue; conforming cross-references; amending s. 443.1715, F.S.; permitting the release of confidential information to agents of public employees; amending s. 443.1716, F.S., relating to the electronic access of employer information; revising certain criteria; conforming terminology; amending s. 443.211, F.S.; conforming provisions; authorizing the Unemployment Appeals Commission to approve payments from the Employment Security Administration Trust Fund; providing for use of funds in the Special Employment Security Administration Trust Fund by the Unemployment Appeals Commission and the Agency for Workforce

Innovation; amending s. 443.221, F.S.; conforming terminology; amending s. 443.231, F.S., relating to the Florida Training Investment Program; revising eligibility criteria; conforming terminology; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, and 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 447.203, F.S.; clarifying the definition of professional employee; amending s. 447.205, F.S.; conforming provisions to reflect the transfer of the Public Employees Relations Commission to the Department of Management Services and deleting obsolete provisions; amending s. 447.208, F.S.; clarifying the procedure for appeals, charges, and petitions; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for the Public Employees Relations Commission to share registration information with the Department of Insurance; amending s. 447.307, F.S.; authorizing the commission to modify existing bargaining units; amending s. 447.503, F.S.; clarifying procedures; amending s. 447.504, F.S.; authorizing the commission to stay certain procedures; providing for the transfer of the commission to the Department of Management Services by a type two transfer; repealing s. 447.609, F.S., relating to representation in commission cases; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, and 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, and 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; requiring the Department of Revenue to report on disbursement and cost-allocation of unemployment compensation funds; requiring the Department of Revenue to conduct a feasibility study on privatization of unemployment compensation activities; authorizing the Department of Labor and Employment Security to offer a voluntary reduction-in-force payment to certain employees; requiring a plan to meet specified criteria; providing for legislative review; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; providing for severability; providing effective dates.

Reports of Councils and Standing Committees

Committee Reports

Received April 27:

The Committee on General Government Appropriations recommends the following pass:

HB 2253, with 2 amendments (fiscal note attached, unanimous)

The above bill was placed on the appropriate Calendar.

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

CS/HB 39, with 6 amendments (fiscal note attached, unanimous)

HB 1193, with 1 amendment (fiscal note attached, unanimous)

HB 1701 (fiscal note attached, unanimous)

HB 1781, with 1 amendment (fiscal note attached)

HB 1905, with 5 amendments (fiscal note attached, unanimous)

HB 2025, with 1 amendment (fiscal note attached, unanimous)

HB 2081 (fiscal note attached, unanimous)

HB 2329, with 3 amendments (fiscal note attached, unanimous)

HB 2347, with 1 amendment (fiscal note attached, unanimous)

The above bills were placed on the appropriate Calendar.

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

HB 219, with 1 amendment (fiscal note attached, unanimous)
 CS/HB 893, with 1 amendment (fiscal note attached, unanimous)
 CS/HB 1135, with 16 amendments (fiscal note attached)
 CS/CS/HB 1911, with 1 amendment (fiscal note attached, unanimous)
 HB 1965, with 1 amendment (fiscal note attached, unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Transportation & Economic Development Appropriations recommends committee substitutes for the following:

CS/HB 43 (fiscal note attached, unanimous)
 HB 2357 (fiscal note attached, unanimous)

The above committee substitutes were placed on the appropriate Calendar, subject to review under Rule 113(b), and, under the rule, CS/HB 43 and HB 2357 were laid on the table.

Excused

Rep. Lee; Rep. Stafford until 10:13 a.m.; Rep. Trovillion between 1:00 p.m. and 1:43 p.m.

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time:

HBs 2145 and 2147 (appropriations): Rep. Pruitt (Chair), Rep. L. Miller (Vice Chair); At Large—Reps. Bradley, Lacasa, Jones, Feeney, Dockery, Garcia, Logan, Lawson, Maygarden, Wasserman Schultz, Roberts, Bitner (alternate), and Bloom (alternate); Criminal Justice Appropriations—Rep. Villalobos (Chair), Reps. Ball, Crist, Crady, J. Miller, Ryan (alternate), and Bush (alternate); Education Appropriations—Rep. Wise (Chair), Reps. Chestnut, Constantine, Lynn, Melvin, Turnbull, Alexander (alternate), and Greenstein (alternate); General Government Appropriations—Rep. Sembler (Chair), Reps. Byrd, Bense, Eggelation, Minton, Gay (alternate), and Putnam (alternate); Health & Human Services Appropriations—Rep. Sanderson (Chair), Reps. Casey, Farkas, Hafner, Murman, Peaden, A. Greene (alternate), and Littlefield (alternate); Transportation & Economic Development Appropriations—Rep. Fuller (Chair), Reps. Crow, Kyle, K. Smith, Reddick, Bronson (alternate), Harrington (alternate), and Johnson (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:58 p.m., to reconvene at 8:30 a.m., Friday, April 28.